University of London

REPORTS

FROM

COMMITTEES:

THIRTEEN VOLUMES.

— *(8.)* —

PRIVATE BILLS;
RAILWAY AND CANAL BILLS; ELECTIONS;
STANDING ORDERS; EXPIRING LAWS;
COFFEY'S PETITION; W. H. BARBER.

Session

3 *December* 1857 —— 2 *August* 1858.

VOL. XII.

1857—58.

REPORTS FROM COMMITTEES:

1857-58.

THIRTEEN VOLUMES:—CONTENTS OF THE

EIGHTH VOLUME.

N. B.—*THE* Figures *at the* beginning of the line, *correspond with the* N° *at the foot of each* Report; *and the* Figures *at the* end of the line, *refer to the* MS. Paging *of the Volumes arranged for The House of Commons.*

PRIVATE BILLS:

87. FIRST REPORT from the Committee of Selection relative to the Grouping of PRIVATE BILLS - - - - - - p. 1

97. SECOND REPORT - - - - - - - - - 3

114. THIRD REPORT - - - - - - - - - 5

138. FOURTH REPORT - - - - - - - - - 9

146. FIFTH REPORT - - - - - - - - - 11

200. SIXTH REPORT - - - - - - - - - 13

PRIVATE BILLS (PROCEEDINGS):

450. REPORT from the Select Committee of the House of Lords appointed to inquire into the present System of PROCEEDINGS in PARLIAMENT on PRIVATE BILLS, and to consider whether any Improvement can be effected to regulate and facilitate such Legislation and diminish its Expense; together with the PROCEEDINGS of the COMMITTEE, and MINUTES of EVIDENCE - - - - 15

450-I. INDEX to ditto - - - - - - - - - - 173

RAILWAY AND CANAL BILLS:

141. FIRST REPORT from the General Committee on RAILWAY and CANAL BILLS - - - - - - - - - - - 197

216. SECOND REPORT - - - - - - - - - 201

ELECTIONS:

157. REPORT from the General Committee of ELECTIONS on the CASHEL ELECTION PETITION; with the MINUTES of EVIDENCE - 203

STANDING ORDERS:

460. REPORT from Select Committee on STANDING ORDERS REVISION - - - - - - - - - - - 223

EXPIRING LAWS:

373. REPORT from Select Committee upon EXPIRING LAWS - p. 347

COFFEY'S PETITION:

115. REPORT from the Select Committee on AMEER ALI MOORAD'S CLAIM; together with PROCEEDINGS of the COMMITTEE, MINUTES of EVIDENCE, APPENDIX, and INDEX - - - - 369

W. H. BARBER:

397. REPORT from the Select Committee on the PETITION of W. H. BARBER; together with PROCEEDINGS of the COMMITTEE, MINUTES of EVIDENCE, and INDEX - - - - 615

FIRST REPORT

FROM THE

COMMITTEE OF SELECTION

RELATIVE TO THE

GROUPING OF PRIVATE BILLS.

CLASSIFICATION OF PRIVATE BILLS.

The Committee of Selection have formed the following Bills into Groups, and have agreed to Report the same to the House:

GROUP A.

1. Sculcotes and Kingston-upon-Hull Gas.
1. Staffordshire Potteries Gas.

Nottingham Gas.

Stoke Fenton and Longton Gas.

GROUP B.

1. Bury and Radcliffe Water.
1. Malvern Improvement.

Aberdare Water.

Merthyr Tydfil Water.

GROUP C.

1. Sunderland Dock.

St. Andrew's and Quebec Railroad Company (Class A. Shareholders) and New Brunswick and Canada Railway and Land Company.

FIRST REPORT FROM THE COMMITTEE OF SELECTION.

Ordered, by The House of Commons, *to be Printed,*
19 *February* 1858.

SECOND REPORT

FROM THE

COMMITTEE OF SELECTION

RELATIVE TO THE

GROUPING OF PRIVATE BILLS.

CLASSIFICATION OF PRIVATE BILLS.

The Committee of Selection have formed the following Bills into Groups, and have agreed to Report the same to the House:

GROUP D.

Liverpool Exchange.

Chester Gas.

Liverpool Improvement.

GROUP E.

Barnstaple Water.

Brentford Gas.

Folkestone Water.

COMMITTEE OF SELECTION.

SECOND REPORT

FROM THE

COMMITTEE OF SELECTION.

Ordered, by The House of Commons, *to be Printed,*
26 *February* 1858.

THIRD REPORT

FROM THE

COMMITTEE OF SELECTION

RELATIVE TO THE

GROUPING OF PRIVATE BILLS.

CLASSIFICATION OF PRIVATE BILLS.

The Committee of Selection have formed the following additional Groups, and have agreed to Report the same to the House:

GROUP F.

Bradford Corporation Water.
Norwich Gas.
Northampton Gas.

GROUP G.

Manchester Corporation Water.
Manchester Improvement.
Manchester Assize Court House.
Manchester Poor.

GROUP H.

Birkenhead Improvement Commissioners (Gas and Water).
Birkenhead Improvement Commissioners (Bondholders' Arrangements).

GROUP J.

Mersey Docks and Harbour (Consolidation of Acts).
Mersey Docks and Harbour (New Works).

GROUP K.

Isle of Wight Poor.

Plymouth Great Western Docks.

GROUP L.

Trent Navigation.

Clyde Navigation.

Tees Conservancy.

GROUP M.

Crystal Palace District Gas.

Chiswick Improvement.

Hampstead Heath Park.

Metropolitan Board of Works (Victoria Park Approach).

GROUP N.

Llanelly Harbour.

Allendale Stinted Pasture.

Llandaff and Canton District Market.

GROUP O.

Vauxhall Bridge Road.

Dean Forest Road.

Windsor New Road.

Besselsleigh Road.

Horsham Turnpike Trust.

GROUP P.

Rochdale and Manchester Road.

Balby and Worksop Road.

Garngad Road.

Manchester, Hyde and Mottram Road.

Wem and Bronygarth Roads.

GROUP Q.

Belfast (Town) Improvement.

Belfast (Town and Borough) Improvement.

GROUP R.

Waterford Gas.

Wexford Harbour Embankment.

THIRD REPORT FROM THE COMMITTEE OF SELECTION.

Ordered, by The House of Commons, *to be Printed,*
12 *March* 1858.

Under 1 *oz.*

FOURTH REPORT

FROM THE

COMMITTEE OF SELECTION

RELATIVE TO THE

GROUPING OF PRIVATE BILLS.

CLASSIFICATION OF PRIVATE BILLS.

The Committee of Selection have made the following alterations in the Groups of Private Bills already formed, and have made additional Groups, which they have agreed to Report to the House:

GROUP J.

They have added the
Wallasey Improvement.

GROUP K.

They have withdrawn the
Plymouth Great Western Docks,
and have added the
Electric Telegraph Company.

GROUP L.

They have withdrawn the
Tees Conservancy,
and have added the
Tay Fisheries.

GROUP Q.

They have added the
Tramore Embankment.

They have formed the following additional Groups:

GROUP S.

Tees Conservancy.
Middlesborough Improvement.
Stockton, Middlesborough and Yarm Water.
Middlesborough Water.

GROUP T.

Westminster Improvements (Appointment of Managers, &c.)
Westminster Improvements (Sale and Lease, &c.)

FOURTH REPORT FROM THE COMMITTEE OF SELECTION.

Ordered, by The House of Commons *to be Printed,*
18 *March* 1858.

FIFTH REPORT

FROM THE

COMMITTEE OF SELECTION

RELATIVE TO THE

GROUPING OF PRIVATE BILLS.

CLASSIFICATION OF PRIVATE BILLS.

The Committee of Selection have made the following alterations in the Groups of Private Bills already formed, and have agreed to Report the same to the House:

GROUP J.

They have added the

Liverpool Improvement.

GROUP N.

They have added the

Tyne River Improvement,

and have withdrawn the

Llanelly Harbour.

COMMITTEE OF SELECTION.

FIFTH REPORT FROM THE COMMITTEE OF SELECTION.

Ordered, by The House of Commons, *to be Printed,*
23 *March* 1858.

146.

SIXTH REPORT

FROM THE

COMMITTEE OF SELECTION

RELATIVE TO THE

GROUPING OF PRIVATE BILLS.

CLASSIFICATION OF PRIVATE BILLS.

The Committee of Selection have made the following alterations in the Groups of Private Bills already formed, and have agreed to Report the same to the House:

GROUP H.

They have added the

Wallasey Improvement.

GROUP J.

They have withdrawn the

Wallasey Improvement.

GROUP K.

They have added the

Waterford Gas.

GROUP R.

They have withdrawn the

Waterford Gas,

and have added the

St. Leonard's Shoreditch Parish.

Halifax Park and Improvements.

Hove Improvement.

GROUP S.

They have withdrawn the

Tees Conservancy.

SIXTH REPORT FROM THE COMMITTEE OF SELECTION.

Ordered, by The House of Commons, *to be Printed*,
16 *April* 1858.

Brought from the Lords, 19 *July* 1858.

REPORT

FROM THE

SELECT COMMITTEE OF THE HOUSE OF LORDS,

APPOINTED TO INQUIRE INTO

The present System of Proceedings in Parliament on Private Bills, and to consider whether any Improvement can be effected to regulate and facilitate such Legislation and diminish its Expense;

AND TO REPORT THEREON TO THE HOUSE;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND

MINUTES OF EVIDENCE.

Ordered, by The House of Commons, *to be Printed*,
20 *July* 1858.

REPORT - - - - - - - - - - - - p. iii

PROCEEDINGS OF THE COMMITTEE - - - - - p. v

MINUTES OF EVIDENCE - - - - - - - p. 1

REPORT.

BY THE SELECT COMMITTEE appointed to inquire into the present System of PROCEEDINGS in PARLIAMENT on PRIVATE BILLS, and to consider whether any Improvement can be effected to regulate and facilitate such Legislation, and diminish its Expense; and to report to The House;—and to whom was referred a Petition of Proprietors of Shares in Railways in England, for alteration of the Proceedings of Committees:—

ORDERED TO REPORT,

THAT the Committee have met, and considered the subject-matter referred to them, and have examined several Witnesses in relation thereto.

Important suggestions have been made in a communication submitted to the Committee by one of its Members, and in the evidence of some of the Witnesses, as to the substitution of a new tribunal, and as to extensive alterations in the present system of Private Bill Legislation; but although there are many valuable observations contained in these communications well deserving of the attention of Parliament, the Committee have deemed it more expedient to confine themselves to the consideration of what were the best practical amendments they could recommend in the present system of procedure in Parliament on Private Bills, without entertaining the larger question of an entire alteration in the existing system, and have accordingly agreed to the following Resolutions:—

I. That all Standing Orders, except such Orders as apply especially to any Bill on coming up from the House of Commons, be proved before Examiners previous to introduction of Bill into Parliament, and that the decision of the Examiners, upon compliance or non-compliance with Standing Orders, be final.

II. That in cases of non-compliance with Standing Orders, any memorial, praying that such Standing Orders may be dispensed with, shall be presented to the Examiners within one week after their decision; and that the Examiners shall forward the same with the certificate to the Clerk of the Parliaments, to be laid before the Standing Order Committee, who shall consider such memorial, and determine the matter referred to them forthwith.

III. That in all cases of opposed Private Bills, in which no parties shall have appeared on the Petitions against such Bills, or having appeared shall have withdrawn their opposition, before the Evidence of the Promoters shall have been commenced, the Committees on such Bills shall forthwith refer them back, with a statement of the facts, to the Chairman of Committees, to be dealt with by him as if originally unopposed.

IV. That questions of *locus standi* be referred to a Committee appointed for the consideration of such questions.

V. That Subscription Contracts and Declarations shall be discontinued, but deposits shall be made in all cases where such Subscription Contracts and Declarations are now required.

VI. That Committees of both Houses on Private Bills have the power to administer an Oath to Witnesses, in order that a certificate of the evidence taken before a Committee of one House on such Bills may be received by the other House as sufficient in such matters as may be found expedient.

VII. That the Committee of Selection appoint the Chairmen of all Committees appointed by them.

And the Committee have directed the Minutes of Evidence taken before them to be laid before your Lordships.

16th July 1858.

ORDER OF REFERENCE.

Die Veneris, 18° *Junii* 1858.

"That a Select Committee be appointed to inquire into the present System of Proceedings in Parliament on Private Bills, and to consider whether any Improvement can be effected to regulate and facilitate such Legislation, and diminish its Expense."

The Lords following were named of the Committee. The Committee to meet on Thursday next, at half-past Three o'clock; and to appoint their own Chairman:

Duke of Somerset.
Duke of Newcastle.
Earl of Doncaster.
Earl Stanhope.
Earl Graham.
Earl of Romney.
Earl of Powis.
Earl Grey.
Earl Granville.
Viscount Hutchinson.
Viscount Eversley.
Lord Wodehouse.
Lord Redesdale.
Lord Somerhill.
Lord Portman.
Lord Stanley of Alderley.
Lord Belper.

LORDS PRESENT, AND MINUTES OF PROCEEDINGS AT EACH SITTING OF THE COMMITTEE.

Die Jovis, 24° *Junii* 1858.

LORDS PRESENT:

Duke of Somerset.	Lord Redesdale.
Duke of Newcastle.	Lord Somerhill.
Earl of Doncaster.	Lord Portman.
Earl Graham.	Lord Stanley of Alderley.
Earl Grey.	Lord Belper.

Order of Reference read.

Order of the House of the 18th, empowering the Committee to appoint their own Chairman, read.

It is proposed that the Lord Stanley of Alderley do take the Chair.

The same is agreed to; and the Lord Stanley of Alderley takes the Chair accordingly.

The course of proceeding is considered.

Ordered, That the Committee be adjourned to Tuesday next, One o'clock.

Die Martis, 29° *Junii* 1858.

LORDS PRESENT:

Duke of Somerset.	Earl Grey.
Duke of Newcastle.	Vicount Hutchinson.
Earl of Doncaster.	Viscount Eversley.
Earl Stanhope.	Lord Wodehouse.
Earl Graham.	Lord Redesdale.
Earl of Romney.	Lord Somerhill.
Earl of Powis.	Lord Stanley of Alderley.

The Lord STANLEY of Alderley in the Chair.

Order of Adjournment read.

The Proceedings of the Committee of Thursday last are read.

The following Witnesses are severally called in, and examined, viz.:

Thomas Erskine May, Esquire, Clerk Assistant to the House of Commons; Colonel *John Wilson Patten*, Member of the House of Commons; *William Blamire*, Esquire, one of the Inclosure Commissioners. (*Vide* the Evidence.)

Ordered, That the Committee be adjourned to Thursday next, One o'clock.

Die Jovis, 1° *Julii* 1858.

LORDS PRESENT:

Duke of Somerset.	Lord Redesdale.
Earl of Doncaster.	Lord Somerhill.
Earl Stanhope.	Lord Stanley of Alderley.
Earl Graham.	Lord Belper.

The Lord STANLEY of Alderley in the Chair.

Order of Adjournment read.

The Proceedings of the Committee of Tuesday last are read.

The following Witnesses are severally called in, and examined, viz.:

Charles Edward Lefroy, Esquire, Taxing Officer of the House of Commons; *Bartholomew Samuel Adam*, Esquire, Clerk of Private Bills, House of Lords; *George Pritt*, Esquire, Parliamentary Agent. (*Vide* the Evidence.)

Ordered, That the Committee be adjourned to Monday next, One o'clock.

Die Lunæ, 5° *Julii* 1858.

LORDS PRESENT:

Duke of Newcastle.	Lord Wodehouse.
Earl of Doncaster.	Lord Redesdale.
Earl Stanhope.	Lord Portman.
Earl Graham.	Lord Stanley of Alderley.
Viscount Hutchinson.	Lord Belper.
Viscount Eversley.	

The Lord STANLEY of Alderley in the Chair.

Order of Adjournment read.

The Proceedings of the Committee of Thursday last are read.

The following Witnesses are severally called in, and examined, viz.:

Charles Evan Thomas, Esquire, Parliamentary Agent; *Thomas Coates*, Esquire, Parliamentry Agent. (*Vide* the Evidence.)

Ordered, That the Committee be adjourned to To-morrow, Two o'clock.

Die Martis, 6° *Julii* 1858.

LORDS PRESENT:

Duke of Somerset.	Lord Wodehouse.
Earl of Doncaster.	Lord Redesdale.
Earl Stanhope.	Lord Stanley of Alderley.
Earl Graham.	Lord Belper.
Earl of Romney.	

The Lord STANLEY of Alderley in the Chair.

Order of Adjournment read.

The Proceedings of the Committee of yesterday are read.

Order read, referring to the Committee a Petition of Proprietors of Shares in Railways in England for alteration of the Proceedings of Committees on Railway Bills.

The said Petition is read.

The following Witnesses are called in, and examined, viz.:

John Swift, Esquire, Solicitor; *Robert Baxter*, Esquire, Solicitor. (*Vide* the Evidence.)

Ordered, That the Committee be adjourned to Thursday next, half-past Two o'clock.

Die Jovis, 8° *Julii* 1858.

LORDS PRESENT:

Earl of Doncaster.	Lord Wodehouse.
Earl Stanhope.	Lord Redesdale.
Earl of Powis.	Lord Portman.
Viscount Eversley.	Lord Stanley of Alderley.
Viscount Hutchinson.	Lord Belper.

The Lord STANLEY of Alderley in the Chair.

Order of Adjournment read.

The Proceedings of the Committee of Tuesday last are read.

The following Witnesses are called in, and examined, viz.,

Sir *John George Shaw Lefevre*, K. C. B., Clerk of the Parliaments; *James Booth*, Esquire, Joint Secretary to the Board of Trade. (*Vide* the Evidence.)

Ordered, That the Committee be adjourned to Monday next, half-past Two o'clock.

Die Lunæ, 12° *Julii* 1858.

LORDS PRESENT:

Duke of Somerset.	Lord Wodehouse.
Earl of Doncaster.	Lord Redesdale.
Earl Stanhope.	Lord Portman.
Earl of Powis.	Lord Stanley of Alderley.
Viscount Hutchinson.	Lord Belper.
Viscount Eversley.	

The Lord STANLEY of Alderley in the Chair.

Order of Adjournment read.

The Proceedings of the Committee of Thursday last are read.

The following Memorandum was submitted for the consideration of the Committee by the Lord Belper, and read:

"The two principal objections which have been made against the present mode of disposing of Railway Bills by means of Select Committees of the two Houses of Parliament are,—1st. The length of the inquiry and the enormous expense attending it; and, 2d. The want of uniformity in the decisions of different Committees. Both these evils may be traced to the same cause, namely, the system of entrusting the trial of each case to a new tribunal, established only for the purpose of disposing of the particular Bill or Group of Bills in question.

"Any such tribunal must necessarily be in a great degree destitute of the experience which it is desirable that its members should possess, with a view to the satisfactory and expeditious discharge of their duty. They are not in a position to make rules for the conduct of the business before them. They have no means of informing themselves of the facts of the case, and of the principles which may be involved in it, except by the slow, and to the parties expensive process, of listening to the examination of witnesses and the arguments of counsel; and they do not possess that experience and authority which might enable them to limit those examinations and arguments to such points as are really important for the decision of the question at issue.

"Again, such a tribunal is not likely to take an extended view of the principles which ought to regulate railway legislation, but is liable to be too much influenced by the peculiar circumstances attending the particular case under its consideration. Various attempts have been made, especially in the House of Commons, to secure a due attention to these general principles. With this view, the Board of Trade have been directed to furnish Reports on the Railway Bills of each Session, for the assistance and guidance of the Committees to which they might be referred. Again, a few years ago, a Committee of the House of Commons prepared a Report, in which they explained, with great care, the general principles which ought, in their opinion, to be observed by Committees in railway legislation. And, lastly, a permanent Panel of Chairmen of Committees on Railway Bills has been established in the House of Commons, in the hope that the experience of these selected Chairmen, coupled with the power which they would possess of consulting together on difficult cases, might

might have the effect of so influencing Committees, as to secure greater uniformity of decision, and a more constant observance of sound principles of legislation.

"It is now universally admitted that these hopes have been disappointed, and that, although the changes in question may have produced a beneficial effect, they have been far from successful in securing the objects for which they were designed. Important as the due observance of general principles may be, it is of course necessary to leave a discretion to Committees in applying them to each particular case; and experience has proved that a Committee appointed only for the consideration of a particular Railway Bill, or Group of Bills, is usually disposed to be chiefly influenced in its decision by that which it considers most just and expedient in the particular case, without paying any great regard to the general principles which may be involved in that decision, or to their bearing upon other cases which are not under adjudication before it.

"If the cause of the evil has been correctly traced, it will follow that, whether we have regard, on the one hand, to the trouble and expense attending the present mode of inquiry, or, on the other, to the uncertainty and want of uniformity in the result, we shall equally come to the conclusion that it will be difficult, if not impossible, to find any effectual remedy for the defects of the present system, except by substituting for our Railway Committees some more permanent tribunal or tribunals, which shall have jurisdiction over the whole railway legislation of the country; and which, possessing all the advantages of an enlarged experience, may be able to deal with that legislation upon some general and uniform system. Notwithstanding the reduction of labour which may be expected from improved methods of procedure, it would be unreasonable to expect that so heavy and responsible a duty could be undertaken by any single Committee, either of one or both Houses of Parliament, consistently with their other important duties, and having regard to the ordinary duration of the Session. On the other hand, there are serious objections to transferring to any tribunal, independent of Parliament, the power of finally adjudicating on all the important questions comprised in Railway Bills, a considerable portion of which may be strictly considered as matters of legislation. The only remaining course is to consider whether it is possible to devise any scheme by which the jurisdiction of the two Houses of Parliament may be preserved, but according to which they might receive such extraneous assistance as would enable them to dispose of this branch of their duties on the principles which have been laid down. With this view the following outline of such a scheme is submitted for consideration:

"1. It is proposed that a Commission of three competent persons shall be appointed, to whom all the Railway Bills of each Session shall be referred for examination and consideration, such alterations being made in the times of the notices and other preliminary proceedings as shall enable the Bills to be laid before the Commission at such a period before the commencement of the Session as will give time for fully considering them, and for making their report before the second reading of the Bills.

"2. It is proposed that the Commission shall have power to make, from time to time, such rules and regulations as they may consider expedient for the conduct of the inquiries and proceedings before them. They shall be at liberty to call for evidence or statements, either oral or written; provided only, that all oral evidence shall be given in the presence of all the parties concerned, and that copies of all documentary evidence or written statements received by the Commission shall be furnished to each of the parties. The Commission shall further be provided with the services of one of the Inspecting Engineers from the Railway Department of the Board of Trade, to assist them in the examination of the plans and sections deposited with each Bill; to advise them upon the crossing of roads or canals, or any other engineering question; and, if necessary, to inquire into any disputed matters of fact as to levels or other similar points, by inspection on the spot. They may, if they so think fit, call upon the parties, in the first instance, to put in, respectively, statements of their case, and, if necessary, counter-statements, by which the Commissioners will be put in possession of the nature of the case, and will learn what are the facts upon which the parties are agreed, and what are the matters, either of fact or opinion, which are in question between them. In some cases, the information obtained by the examination of the plans and sections, and by the perusal of the statements and counter-statements, may be sufficient to enable the Commissioners to call the parties before them, and to come to their decision. In others, additional evidence, and the arguments of counsel or agents may be required; but in these cases, the knowledge already acquired by the Commissioners will enable them to limit the evidence or speeches to those points on which further elucidation is really required.

"3. On the conclusion of their labours, the Commission shall make a full report to both Houses of Parliament on all the Railway Bills of the Session, explaining the general principles which appear to be applicable to them, and the opinion which they have formed as to their application in each case. With reference to each Bill, they shall make a statement of the facts which appear to have been established before them; they shall advise whether the Bill be allowed to proceed, or whether it shall be rejected; stating the grounds of such advice; and in case of their recommending the Bill to be permitted to proceed, they shall state the amendments, if any, which they would recommend in the clauses, accompanied by any explanations which they may consider necessary.

"4. It is proposed that, at the commencement of every Session, each House of Parliament shall appoint a Committee on Railway Bills, such Committee to consist of *five* or *seven*

MINUTES OF EVIDENCE.

LIST OF WITNESSES.

Die Martis, 29° *Junii* 1858.

	PAGE
Thomas Erskine May, Esq.	3
Colonel John Wilson Patten, M.P.	34
William Blamire, Esq.	45

Die Jovis, 1° *Julii* 1858.

Charles Edward Lefroy, Esq.	49
Bartholomew Samuel Rowley Adam, Esq.	57
George Pritt, Esq.	64

Die Lunæ, 5° *Julii* 1858.

Charles Evan Thomas, Esq.	85
Thomas Coates, Esq.	104

Die Martis, 6° *Julii* 1858.

John Swift, Esq.	111
Robert Baxter, Esq.	123

Die Jovis, 8° *Julii* 1858.

Sir John George Shaw Lefevre, K.C.B.	135
James Booth, Esq.	139

Die Martis, 29° Junii 1858.

LORDS PRESENT:

Duke of Somerset.	Earl Grey.
Duke of Newcastle.	Viscount Hutchinson.
Earl of Doncaster.	Viscount Eversley.
Earl Stanhope.	Lord Wodehouse.
Earl Graham.	Lord Redesdale.
Earl of Romney.	Lord Somerhill.
Earl of Powis.	Lord Stanley of Alderley.

THE LORD STANLEY OF ALDERLEY in the Chair.

Evidence on Proceedings on Private Bills.

T. E. May, Esq. and Colonel W. Patten, M.P.

29th June 1858.

THOMAS ERSKINE MAY, Esquire, and COLONEL WILSON PATTEN, M.P., are called in, and examined as follows:

1. *Chairman.*] (To Mr. *May.*) YOU are Clerk Assistant of the House of Commons?
I am.

2. How long have you been so?
For three years.

3. Before that time you acted as Examiner of the Standing Orders?
Yes; I was for 10 years Examiner of the Standing Orders to the House of Commons, and for the two latter years of that period I was Examiner for both Houses of Parliament under the new Standing Orders.

4. When did that system commence, of submitting the investigation as to the Standing Orders to Examiners?
It was agreed to by the House of Commons in 1846, and the first sitting of the Examiners commenced in the following year, 1847.

5. Will you have the kindness to state to the Committee the course which used to be pursued formerly with regard to the proof of compliance with Standing Orders, and the course which has been adopted since the introduction of the new system in 1847?
Originally the proof of compliance with the Standing Orders was taken before a Speaker's List Committee; a Committee consisting of about 120 members. In 1838 this system was altered, and a General Committee of 42 was substituted, which divided itself into four Sub-committees, and these Sub-committees determined all questions of compliance with the Standing Orders.

6. Will you proceed to state the alteration which was subsequently introduced?
In 1846 this Committee of 42 was superseded by the appointment of two Examiners, who heard the cases, both opposed and unopposed, relating to the compliance with the Standing Orders, and exercised precisely the same functions as those which had previously been exercised by the Sub-committees on Petitions for Private Bills. They reported to the House; and their decision as to matters of fact was final; and it only remained for the Standing Orders Committee to determine whether the Standing Orders should be dispensed with or not.

7. In the event of the Examiners finding that the Standing Orders had not been complied with, was the course which they pursued to report that to the Standing Orders Committee?

T. E. May, Esq. and Colonel W. Patten, M.P.

29th June 1858.

They reported to the House itself, and the House referred their reports to the Standing Orders Committee, just as previously the reports of the Sub-committees on Petitions for Private Bills had been referred to that Committee.

8. Then it rested with the Standing Orders Committee to decide whether the Standing Orders should be waived, or what course should be taken?

Yes; that was the function of the Standing Orders Committee.

9. Lord *Redesdale.*] Is the Standing Orders Committee the same as that of which you have spoken, consisting of 42 Members?

No.

10. *Chairman.*] What is the present constitution of the Standing Orders Committee?

The Standing Orders Committee is a Committee of 11, nominated by the House at the commencement of each Session. It was formerly quite distinct from the General Committee on Petitions for Private Bills, though it comprised several of the Members who constituted the larger Committee.

11. But it is now a permanent body of 11 Members, appointed at the commencement of every Session?

Yes.

12. Can you state to the Committee what has been the result of the appointment of the Examiners, both as to the saving of time and the saving of expense to parties prosecuting Bills before Parliament?

I think it was admitted on all hands that the experiment was entirely successful. In the first year, that of 1847, there was an unusually large number of Private Bills, and the whole of the cases were heard and disposed of by the Examiners within seven weeks, and it was computed at that period that at least double the time would have been occupied by four Sub-committees; and that that should be the case is very obvious, as the Examiners sat the whole of each day from 10 till sometimes a late hour in the evening, until they had completed the cases, and they sat every day, whereas the Sub-committees ordinarily sat only three times a week, and sat from 12 till 4. All the arrangements of the Examiners were made like those of a court of justice; there was a complete cause-list, and every arrangement was made for facilitating the transaction of business.

13. At what period did the Examiners begin their examination?

In the first year of the experiment they commenced their examination on the 15th of January; afterwards it was found unnecessary to commence quite so soon, and the 25th of January was appointed; but in either case it gave an opportunity for the hearing of all the parties at the very commencement of the Session; whereas, under the old system a considerable portion of the Session was occupied in these preliminary inquiries on Standing Orders, as the petitions were presented to the House in the first instance, and then referred to these Committees; while in the case of the Examiners, the petitions were deposited in the Private Bill Office, and the cases were examined into by them before the meeting of Parliament.

14. Is any inconvenience experienced by parties promoting Bills before Parliament, from being compelled to appear at that early period of the Session?

None whatever; but, on the contrary, it is a very great convenience, because they are able at an early period in the Session to bring in their Bills, and to have them read a first and second time, and referred to the Committee of Selection, and it advances the whole private business of the Session in a very remarkable manner.

15. Could you procure for the Committee a return of the number of cases which have been before the Examiners, the number of cases in which they have found that the Standing Orders have not been complied with, and the result of the report to the House, and the reference to the Standing Orders Committee?

Such a return could be prepared. I am not aware whether any direct result would be obtained from it; but the facts alluded to could easily be ascertained.

16. At what period do you say that the House of Lords employed the Examiners to perform a portion of the duties which they were performing for the House of Commons?

T. E. May, Esq. and Colonel W. Patten, M.P.

29th June 1858.

One thousand eight hundred and fifty-five was the first year in which the House of Lords agreed to appoint the same Examiners as the House of Commons, and thus to have joint Examiners for both Houses. I may say that that course was recommended in 1847 by a Committee of the House of Commons, for a Committee was appointed in that year to inquire into Private Business; which Committee investigated the success of the then recent experiment of the Examiners, and they were so satisfied with it that they recommended to the House of Commons that joint Examiners should be appointed for the two Houses; but no result followed at that time. From that Committee of 1847 other very considerable results followed, to which perhaps I may allude. There were great improvements in the Standing Orders; the most material of which I may mention very briefly. First of all the advertisements in the Gazette and newspapers were exceedingly numerous and costly at that time, and after full consideration that Committee recommended that they might be diminished in number. Church-door notices were common with particular classes of Bills; they were accompanied with considerable expense and inconvenience to the parties; and they were also abolished at that time. The Examiners recommended to that Committee that the system of taking evidence by affidavit might be very considerably extended, and by that means the attendance of large numbers of witnesses dispensed with. That was approved of, and from that time nearly the whole of the evidence in unopposed cases has been taken by way of affidavit before the Examiners. Another very important improvement at that time was dispensing with the personal service of landowners' notices, and substituting registered letters, sent by post, which effected an extraordinary reduction of expense. The greater part of these recommendations, I may say nearly all, were adopted by the House of Lords: they adopted the system of service by post; they abolished the unnecessary newspaper notices, and the church-door notices; and, in fact, they assimilated their Standing Orders to those of the House of Commons in almost every particular, which was a very great public advantage.

17. In what respect are the Standing Orders now different in the two Houses of Parliament?

I may say that the Standing Orders of the two Houses are now identical, so far as concerns proceedings prior to the introduction of Bills into Parliament, with two trifling exceptions; and there are one or two other Standing Orders peculiar to the House of Lords, which apply to Bills after their introduction. With those exceptions, the Standing Orders of the two Houses are identical, and have been kept so; for since that time so much attention has been paid annually to the revision of the Standing Orders, that so soon as one House has introduced any alteration in the Standing Orders, it has been immediately brought to the notice of the other House, and has been adopted with the utmost readiness on either side.

18. Then, so far as the Standing Orders are concerned, in all matters preliminary to the Second Reading of the Bill, the Standing Orders of the two Houses of Parliament are identical?

Yes; in nearly every respect, I believe.

19. With reference to the House of Lords, in considering the question of the compliance with the Standing Orders, the Examiners are confined to reporting upon those Bills which are unopposed, are they not?

The Examiners are not distinctly entrusted with any authority by the House of Lords to hear petitioners, and it would therefore be assumed that they hear unopposed cases only; but I may explain, that practically the Examiners do hear opposed cases in the Lords as well as in the Commons. The Standing Orders of the Commons provide, that parties opposing Private Bills on Standing Orders may present memorials addressed to the Examiners of the Commons, complaining of non-compliance, and that they may be heard by themselves, their agents and witnesses. As the Standing Orders are precisely the same in both Houses, it is obvious that if the Standing Orders of the one House have not been complied with, the Standing Orders of the other House have equally not been complied with, and therefore the Examiners, in hearing the objections relating to the Standing Orders of the Commons, do practically hear objections relating to the Standing Orders of the Lords. And though in their certificates to the House of Lords they take no notice of having heard the parties objecting, yet they have availed themselves of the evidence which they have heard as Examiners of the

T. E. May, Esq. and Colonel W. Patten, M.P.

29th June 1858.

Commons, in making their certificates, and they include all the cases of non-compliance, which otherwise they would have been wholly unable to do.

20. But is it not open to the opponents of a Bill to present a petition before the Standing Orders Committee of the House of Lords, complaining of a non-compliance with those Standing Orders?

Certainly; so that there is an appeal in the case of the House of Lords, though it does not assume the form of an appeal, as the House of Lords do not acknowledge the fact that the Examiners have ever heard the parties before them; but they have practically heard them, unless new objections be raised before the Committee.

21. Is not the present system open to the objection that parties may be put to all the trouble and expense of prosecuting a Bill through its different stages in the House of Commons; and after having completed the prosecution of it there, they may be thrown over upon a question of non-compliance with the Standing Orders before the House of Lords, which deals with matter which ought to have been decided before the Second Reading in the House of Commons?

Yes, I think it is open to that objection. Perhaps the extent of the objection may be best understood by reference to the number of cases. I have ascertained that in the year 1855 there were seven opposed cases on Standing Orders before the Standing Orders Committee of the House of Lords; but in that year not one Bill out of the seven was thrown out on Standing Orders; they were all permitted to proceed. In 1856 there were six opposed cases on Standing Orders before the Standing Orders Committee of the House of Lords, and in three of those cases the Standing Orders were not dispensed with.

22. And the Bills were lost?

The Bills were lost. In 1857 there were eight of such opposed Bills, and only one was thrown out on Standing Orders.

23. Lord *Redesdale.*] Do you know in how many of those cases the objection taken was relating to Standing Orders peculiar to the House of Lords, as, for instance, the Wharncliffe Order, which would not come before the Examiners?

It would generally not be upon the Wharncliffe Order; I imagine that these were substantially the same cases as had been heard before the Examiners.

24. *Chairman.*] In your opinion, would there be any objection or inconvenience in the House of Lords submitting to the Examiners the same cases which are submitted to them by the House of Commons, namely, opposed as well as unopposed Bills; in short, making the decision of the Examiners final with regard to the question of compliance or non-compliance with the Standing Orders?

I certainly think that it would be a considerable improvement if the same system as that which is pursued in the House of Commons were adopted by the House of Lords, that is to say, if the House should think fit to delegate to the Examiners the jurisdiction of determining the facts, and to require them to report those facts to the House, leaving to the Standing Orders Committee the other more important jurisdiction of determining whether the Standing Orders should be dispensed with or not. Another recommendation connected with this subject which I would venture to make, would be that it should be arranged that the Standing Orders Committee of the House of Lords should decide earlier in the Session whether the parties should be permitted to proceed or not. The House of Commons decide directly they receive the report of the Examiner, and the parties at once know whether they are permitted to proceed or not; but in the House of Lords it is otherwise; the certificate of the Examiner remains, in fact, sealed for three months until the Bill is received from the Commons, and then the Committee on Standing Orders determine whether the parties shall be allowed to proceed or not. It is obviously a very great hardship that the parties should have their Bill met by Standing Order objections after they have proved both Standing Orders and merits before the other House.

25. Then, are you of opinion that it would be a great advantage that the House of Lords' Standing Orders Committee should decide these disputed points at the same time as the House of Commons' Standing Orders Committee decide them, namely, at an early period of the Session?

I think it would be a great advantage, and I am not aware of any difficulty connected with it. One matter I will mention, that the Standing Orders are dis-

pensed

pensed with at various periods in the Commons by means of petitions for additional provision, and therefore the Examiner should report officially to the House of Lords upon each of those petitions, in order that the Standing Orders Committee might be in full possession of any variation from the original Bill from the time of its introduction into Parliament till the time of its being received by the House of Lords.

26. Lord *Redesdale.*] Do you not think that some jealousy might arise between the two Houses if the House of Lords were to pronounce upon those petitions for additional provision which were for amendments before the Committee while the Bill was still under the adjudication of the House of Commons?

I have generally found that there has been so much of harmony in the views of the two Houses with regard to Standing Orders, that I confess I should not apprehend any difference of opinion or any jealousy.

27. With regard particularly to those petitions for additional provision, they arise very often from what takes place before the Committee, I believe?

Yes.

28. The Committee upon the Bill are aware of the reasons which are alleged before them for the introduction of those provisions; it is hardly possible that those matters can be brought fully before the House of Lords on a consideration of a Bill not yet decided in the House of Commons?

It is not the Committee on the Bill which intimates whether those provisions comply with the Standing Orders or not, or whether the Standing Orders shall be dispensed with or not; that matter is left, in the first instance, to the Examiners, and then to the Standing Orders Committee. In the Commons we take the utmost pains to separate the jurisdiction upon merits from the jurisdiction on Standing Orders; and as the Standing Orders Committee is wholly judicial, quite without reference to the merits, I think that there would be no apprehension whatever of any conflict of opinion between the tribunals of the two Houses.

29. We will suppose that the Standing Orders Committee of the House of Commons were to decide that the Standing Orders, though not complied with, should be dispensed with in relation to a petition for additional provision, and that the Standing Orders Committee of the House of Lords were to determine that the Standing Orders ought not to be dispensed with in relation to that additional provision, the result would be that there would be an immediate stop put upon those amendments which were proposed to be introduced, with a pretty good hope of being carried at all events before the Committee on merits in the Commons. Do you not think that such an action of the two Standing Orders Committees might lead to a difference or jealousy between the two Houses?

No, I scarcely think so; I think that it would be generally a question merely for the parties. I consider that these petitions for additional provision are rather at the instance of the parties, either the promoters or the opponents, than of the Committee. I should say that the suggestions of the Committee form the minority of such cases, and that it would be for the promoters or the opponents, as the case might be, to consider whether, with an adverse decision upon Standing Orders on the part of the House of Lords, they would seek to introduce those provisions into the Commons, or whether they would take their chance hereafter of persuading the House of Lords to dispense with their Standing Orders.

30. Viscount *Eversley.*] The Bill before the House of Commons is always referred to the Chairman of Committees in the House of Lords?

Yes.

31. Does not it frequently happen that the recommendations of the Chairman of Committees in the Lords are carried into effect by the Committee of the House of Commons, without any jealousy?

Clearly so; that has been done for more than half a century.

32. Duke of *Somerset.*] On what authority do the Examiners act?

Under the Standing Orders of the two Houses.

33. Not by any Act of Parliament?

Not by any Act of Parliament.

T. E. May, Esq. and Colonel W. Patten, M.P.

29th June 1858.

34. *Chairman.*] How were they appointed?
They were originally appointed by the Speaker under the Standing Orders of the House of Commons, and when the new arrangement was adopted, it was arranged that the Speaker should appoint one, and the House of Lords the other; and for the Lords, the Examiners are in fact appointed by the House of Lords; it is by a vote of the House on the motion of Lord Redesdale.

35. Duke of *Somerset.*] How are the duties of the Examiners defined?
By the Standing Orders of both Houses.

36. Are they limited to report merely upon the fact of compliance or not with the Standing Orders, or do they annex to the report any suggestions?
They very rarely give any suggestions further than what they are called upon to do by the Standing Orders. They report special circumstances, which amount occasionally to an excuse for the non-compliance, or such an explanation of the non-compliance as may guide the decision of the Standing Orders Committee; but, practically, they have been very careful in not extending those special circumstances very far, lest they should appear to encroach upon the separate jurisdiction of the Committee on Standing Orders.

37. How do they proceed to examine into the compliance with the Standing Orders on an opposed Bill?
They give seven days' notice of the time appointed for hearing every case. The memorials complaining of non-compliance have been by that time presented, and therefore they are able to separate the opposed from the unopposed Bills; the unopposed cases are disposed of early in the morning, without any delay whatever, and all the parties are released. Then the opposed cases are heard in the usual way; the petitioners go through their various allegations *seriatim*, and if it is a question of argument, the agents argue on both sides in the usual way; if it is a question of evidence, they have their witnesses, and prove their whole case, and the Examiner decides upon each allegation, and reports upon each allegation specifically to the House.

38. Is there a short-hand writer in attendance?
Yes.

39. Everything is taken down?
Everything is taken down.

40. So that it can be referred to afterwards?
Yes; and the documents are all filed; every affidavit which is put in is filed, and may be referred to afterwards; all documentary evidence is retained. In fact, the proceedings of the Examiners are founded upon the model of the Sub-committees on Standing Orders, and they sit precisely like any other Court or Committee hearing an opposed case.

41. Then the only discretion which the Examiners exercise is in the shape of some observations where the Standing Orders have not been complied with, which are stated in excuse?
Yes.

42. It remains at the discretion of the Examiners whether or not they shall submit those excuses to the House?
Quite so; their anxiety is not to exceed their distinct province of determining the facts, and no injury is done to the parties by silence in such cases, for the parties are able to represent in writing, as they do, to the Committee on Standing Orders all the circumstances which they think may be urged in mitigation of their errors.

43. Viscount *Eversley.*] The Standing Orders Committee require, I think, a statement from both parties with reference to those Standing Orders which have not been complied with?
Yes.

44. After reading those statements they come to a decision?
Certainly; that is the course adopted.

45. Duke of *Somerset.*] Is the examination by the Examiner open to the public?

Yes;

Yes; and it is very largely attended. In a case of importance such as two rival lines of railway I have known, in my time, upwards of 200 persons constituting the audience.

46. *Chairman.*] Are there any other matters besides the question of compliance with the Standing Orders, which you think might be referred with advantage to the Examiners, such as questions of *locus standi*?

Yes; that has occurred to me some time since. Five or six years ago I suggested to some of the Members connected with Private Business in the House of Commons, that if questions of *locus standi* were referred to the Examiners under such restrictions and regulations as the House might think fit to impose, a great saving of expense would result. I would just explain how the expense becomes exceedingly onerous upon questions of *locus standi*. A Petition is presented against the preamble of a Private Bill some considerable time before the Committee is appointed. It is impossible for the petitioners to know whether they will be entitled to be heard before the Committee or not; they may have the best professional advice, but still we can well understand that the decisions of Committees are uncertain and hazardous to the parties; they are, therefore, obliged to get up their case, they have to retain counsel, prepare briefs, summon the witnesses, and be prepared in every respect for a very important and expensive lawsuit. Of a sudden, after, perhaps, their counsel and witnesses have been in attendance for several days without an opportunity of being heard, their counsel rises to cross-examine a witness or to speak, and immediately an objection is taken to his *locus standi* before the Committee. The Committee hear the case, decide that he has no *locus standi*, and he is obliged to withdraw from the Committee after all this fruitless expense has been incurred. On the other side, the promoters not being certain that their objection will be maintained before the Committee, are obliged to be prepared with evidence and counsel to rebut the case, and therefore both parties are put to a very great expense, which might be avoided if the matter at issue were decided by some preliminary inquiry before the meeting of the Committee upon the merits. It therefore occurred to me that the following course might be adopted: that within a given time after the deposit of petitions against the preamble or clauses of a Bill, the promoters might lodge objections to the *locus standi* of the petitioners, and that the Examiners should then appoint a day for hearing the parties, should hear the case and come to a decision, and that that decision should be certified and endorsed on the petition. If they decided that the parties were entitled to be heard, probably there need not be any appeal in such a case,—it might be final; but if they decided that they ought not to be heard, I think that some form of appeal, perhaps, might be thought necessary. Unless these objections were lodged within a given time, it would be too late to offer any objection to the *locus standi* of the petitioners before the Committee.

47. Would you allow an appeal to the Standing Orders Committee, or to the House, in case of the parties not being satisfied with the decision of the Examiners?

Either to the Standing Orders Committee, or, if it were thought advisable, to the Committee on the Bill itself, under certain limitations.

48. Lord *Redesdale.*] Do not you think that the Standing Orders Committee would be a better tribunal to decide such a question than the Committee on the Bill, as Committees on Bills are rather desirous, in general, of getting rid of petitions than of admitting them, and would therefore be hardly so fair a tribunal?

I stated that alternative for the consideration of the Committee, but I should certainly myself recommend the Standing Orders Committee in preference.

49. *Chairman.*] Do you think that there would be an advantage in having the *locus standi* decided upon by the Examiners, inasmuch as it would be likely to produce more uniformity in the decisions as to what were proper grounds of *locus standi*, and what were not?

From my experience of the result of the proceedings of the Examiners upon questions of Standing Orders, I am satisfied that that result which has been suggested by your Lordship would certainly ensue, because when several Committees are sitting at the same time, without communication one with the other, they naturally come to very conflicting decisions, and it encourages every form of litigation;

T. E. May, Esq. and Colonel W. Patten, M.P.

29th June 1858.

litigation; whereas, with the Examiners sitting, and constantly communicating with each other, they arrive at uniformity of decision, and points which they have already decided are not argued. It is well understood what has been settled, and a Parliamentary agent will not venture to come and urge objections which have been overruled again and again.

50. Lord *Redesdale.*] At what time are the petitions praying to be heard against Bills appointed to be presented in the House of Commons?

They must be presented within seven days after the second reading.

51. You are aware that in the House of Lords all such petitions must be presented before the second reading of the Bill?

Yes.

52. And that the second reading of the Bill almost always immediately follows the last day for presenting petitions?

Yes.

53. And that the Committee very often, necessarily from the period of the Session, follows immediately upon the second reading of the Bill?

Yes.

54. Do you think that under those circumstances there would be time for parties to petition against the *locus standi*, and to be heard with regard to petitions before the House of Lords without interfering, as respects time, with the passing of the Bill itself?

I confess that my recommendation has much more reference to the House of Commons than to the House of Lords, because in the House of Commons there is ample time; generally the Committee does not sit for a month, or six weeks, or even two months after the presentation of the petition. In the House of Lords I am aware, that from the very restricted time which is left, the whole of the proceedings are very rapidly gone through, and there might occasionally be a difficulty; but I am not sure that in the majority of cases even then, if the House of Lords thought fit to depute it to the Examiners, it could not be arranged.

55. Earl of *Doncaster.*] Do not, in some cases, amendments made in the Bill in the House of Commons give new parties a *locus standi* to appear before the House of Lords?

Yes; that would frequently be the case.

56. Lord *Redesdale.*] And in the same way amendments would take away the *locus standi* of parties who had been heard before the House of Commons?

Yes; but that would not in the slightest degree affect the recommendation which I have ventured to make, inasmuch as those matters would enter into the arguments on either side and be determined.

57. Earl of *Doncaster.*] In that case should it be referred to the Committee to decide as to the parties having a *locus standi*, or should it go back to the Examiners?

The Examiners must decide separately; they can only deal with the petitions before each House; but it is quite a small proportion of cases which are opposed in the House of Lords.

58. Earl *Powis.*] Supposing the duty of settling the question of *locus standi* was devolved upon the Examiners of Standing Orders in the House of Lords, would there be any other duties occupying the Examiners at that precise moment so as to prevent their deciding the cases rapidly?

Not at all; on the contrary, the fact that the Examiners are occupied at the commencement of the Session in the examination as to the Standing Orders was one of the circumstances which led me to suggest this mode of taking advantage of their services. When they have reported upon the Standing Orders they are comparatively unoccupied, except by petitions for additional provision; and thus, whilst the Committees are about to sit, and when the petitions against the Bills on merits are first deposited, the Examiners are most at liberty, and free to consider such matters. There would be no difficulty at all in the official arrangement of the business.

59. Duke of *Somerset.*] Do you think that rules could be laid down as strictly and as decisively in regard to *locus standi* as can be laid down in regard to whether or not Standing Orders have been complied with?

I will scarcely undertake to affirm that such regulations could be laid down with equal minuteness and accuracy, but I think that principles could be laid down by Parliament, if full consideration were given to the matter, quite sufficient to guide the Examiners, and not in any way to enlarge their discretion beyond what it ought to be, considering their position with reference to the House.

60. Would everything which tends to enlarge the discretion of the Examiners tend to bring upon the Examiners something of that ill-will and suspicion which was brought upon the Board of Trade when it had preliminary investigations confided to it?

Undoubtedly it would, and I should be very sorry to see such a discretion as is ordinarily entrusted to a Committee deputed to the Examiners. I think it might even impair their efficiency as Examiners of Standing Orders; therefore I should certainly say that, as a part of the system, both Houses should agree upon much more minute regulations and principles relating to *locus standi* than they have ever yet arrived at.

61. Has a Committee of the House of Commons ever sat and considered the question of *locus standi*?

Yes, partially. Mr. Cardwell's Committee considered it, but only partially; only with reference to certain points; with reference to competition, which had previously been no ground of *locus standi*, and also with reference to large towns injuriously affected by railways; but the general question of *locus standi* was only very partially entered into by that Committee.

62. Lord *Redesdale.*] The House of Commons, I think, do not admit shareholders, under any circumstances, to petition against a Bill?

They do not admit shareholders, unless it can be shown that their interests are distinct from the general interests of the company.

63. In the House of Lords if a shareholder objects upon the Wharncliffe Standing Order, a *locus standi* is given to him?

That is so.

64. Do you not think that in any arrangement on this matter, it is essential that a shareholder should be heard before the Committee?

Yes; I confess that the objection of not hearing shareholders, appears to me to be more technical than sound in principle. I think that it requires revision.

65. Duke of *Somerset.*] The further you open the *locus standi*, the greater difficulty and expense you throw upon the parties bringing in the Bill?

Clearly.

66. And yet, if you do not open the *locus standi* widely, you may injure the public very much?

Yes.

67. That is the difficulty?

That is the difficulty.

68. Before this discretion was given over to the Examiners, would it in your opinion be desirable that the two Houses should consider carefully the subject of *locus standi*, so as to lay down such regulations as might guide the Examiners?

Yes; I think that that would be advisable on every account. Even if the Committee should not entertain the recommendation that the Examiners should dispose of questions of *locus standi*, I still think that there has been great laxity of practice with regard to *locus standi*, and frequently great injustice to the parties. I think that many petitioners are heard who have no claim to be heard, whereas many who have a just ground to be heard are excluded, and mainly from the uncertainty of the rules.

69. *Chairman.*] But if the matter was fully considered by the two Houses of Parliament, as to what should or should not be a ground of *locus standi*, would not a reference to the Examiners produce a greater uniformity of decision than we should be likely to get in any other Court?

Yes; I think that it would produce greater uniformity of decision, and I think that it would also lead to a much better code of regulations as regards *locus standi*, just

T. E. May, Esq. *and* *Colonel W. Patten, M.P.*

29th June 1858.

just as the appointment of the Examiners, and their experience led to a very great improvement in the Standing Orders.

70. The tendency would be to frame a general rule with regard to the matter, which would be generally observed?

I think so.

71. In your opinion, would it be easy to extend the principle which has been so advantageously pursued in the case of the Inclosure Commissioners, to any other class of Bills which come before Parliament, such as Gas Bills, Water Bills, Cemetery Bills, and so on?

I think it is probable that that same principle of general legislation will be extended. For example, we have recently had before the House of Commons a Bill relating to piers and harbours, which was to confer considerable power upon the Board of Admiralty; the Bill is now dropped for the Session, but it was favourably entertained; and it was read a second time by the House of Commons. There is at this present moment before the House of Commons also a Local Government Bill, an improvement upon the Board of Health Bill, by which local self-government, upon the principle of the General Board of Health, will be introduced by local authority, without any reference to the Central Board.

72. With regard to the Health of Towns Improvement Act, has not it been practically the case that parties have not been so generally willing as might have been expected to obtain powers under that Act, but have applied to Parliament for separate Bills?

Yes, that is frequently the case; there are local peculiarities everywhere, which suggest some variation from the general Act which has been passed by Parliament to meet all cases, and hence there are numerous applications to Parliament in spite of these general Acts, which would, at first sight, appear to be unnecessary.

73. Would not that difficulty be met by adopting the principle which is pursued by the Inclosure Commissioners of sending a commission down to the locality, and hearing all parties upon the spot, and deciding the subject-matter before them, and when agreed upon to be included in a general Bill to Parliament, subject to an appeal on the part of parties who deem themselves injured?

I think that that principle is worthy of full consideration; but, unfortunately, up to this time the experiment has only been successfully tried in cases where there is no very effective opposition: questions of inclosure and copyhold enfranchisement, and so forth, which are matters in which the parties very soon accommodate their differences. But there is great local opposition in improvement Bills, and I am afraid that we should find that Parliament would have to encounter the continuance of that opposition in some form or another in Parliament. I am not so sanguine of the advantage of extending the principle to Bills of that class.

74. Lord *Redesdale.*] As regards Gas Bills, the chief reason of the promoters coming to Parliament in almost every instance, is to obtain the power of breaking up streets, and matters of that sort?

Yes.

75. Most of the other things they can do under the Joint Stock Companies Act?

No doubt they can.

76. Those Bills are generally passed at a small expense, and most frequently without opposition?

Most frequently without opposition.

76*. As the law is at present, do you not think that the public are protected by the parties being induced to come to Parliament, and in their Bill always getting restrictions inserted. With regard to the price of gas, and with regard to dividends and other matters, which, if the parties had the full power of proceeding under the Joint Stock Companies Act alone, and obtained permission to break up the streets from the Inclosure Commissioners or any other body, would not be the case?

Certainly; I think that there is very great force in those objections.

77. *Chairman.*] If it is true that many of these Gas Bills are passed through Parliament without opposition, might not such Bills with equal advantage be settled

settled in the locality, and the expense of having witnesses and agents in London be avoided?

No doubt considerable expense would be saved by avoiding bringing the parties to London; but still the objections of Lord Redesdale have to be considered how far either any local authority, or such an authority as the Inclosure Commissioners, would be able to regulate the rates at which the gas should be taken, and to protect the public by providing a tariff.

78. Viscount *Eversley.*] Was not the experiment tried with the Government departments some years ago; was not there a preliminary inquiry under an Act of Parliament?

Yes; the Preliminary Inquiries Act was passed originally in 1847, for taking preliminary inquiries in certain classes of Private Bills; but they were not to be in any respect final. These Reports were to be communicated to Parliament, and dealt with as Parliament should think fit. Practically they were set aside by Parliament, and no notice was taken of them at all; but, I understand that, in the question which has been put to me, it is inferred that much more authority would be conceded to the Commissioners by Parliament than was ever entrusted to those Commissioners under the Local Inquiries Act.

79. Lord *Redesdale.*] Supposing there were Commissioners appointed to go down to make these local inquiries, if those Commissioners were paid by the parties who asked for the inquiry, do you not think that that expense would be heavier than the expense of bringing up their witnesses to London?

I know that some of the inquiries conducted under the Preliminary Inquiries Act were extremely expensive. I can mention one, namely, The Tyne Conservancy, the expense of which was enormous.

80. Who paid the Commissioners?

They were paid by the parties; the expense of the witnesses, and so forth, fell upon the parties; it was very great.

81. *Chairman.*] In your opinion, was not the principal cause of the failure of the preliminary inquiries that the Commissioners possessed no power, that their report was not final, and practically therefore the whole matter was brought before Parliament in a subsequent stage?

That was decidedly a great objection; but I think that there was another objection. In my opinion, if any inquiry is undertaken which is not under the immediate authority of Parliament, if it is conducted by officers either not appointed by Parliament, or to whom particular authority is not deputed by Parliament, their reports are always received with jealousy, suspicion, and disfavour by Parliament. On that occasion, these Commissioners, or inspectors, as they were called, were appointed by different Boards, by the Admiralty and by the Woods and Forests, without any reference to Parliament; they were appointed under an Act of Parliament, not under the Standing Orders of Parliament, and their reports were consequently ignored; no notice was taken of them in either House.

82. Earl *Grey.*] Was not it also true that the persons appointed to conduct those inquiries were not persons of that standing and authority which should give weight to their reports?

No doubt that objection was also felt at the time; but I believe that even if they had been men of much superior qualifications, the circumstances under which they were sent to make their inquiries, and the circumstances under which their reports were taken into consideration, would have precluded them from having proper weight attached to them.

83. *Chairman.*] Without going to the extent of establishing such preliminary inquiries, do you think that there would be an advantage in a report from some department of the Government upon every Private Bill brought before Parliament, as a guide to the Committee, calling their attention to any objections which there might be in the point of principle to any clause as being against the public interest?

That is done already to a very great extent; and the Committee are much better able to judge than I can pretend to how far it has been attended with benefit. The Board of Trade present Reports every year upon all the Railway Bills, and the Admiralty make Reports upon all Bills connected with Piers and

T. E. May, Esq. and Colonel W. Patten, M.P.

29th June 1858.

certain clause which they require to be introduced, and which they insist upon being introduced.

106. Viscount *Hutchinson.*] Is there not also this distinction, that if the requirements of the Board of Admiralty are not attended to by the Committee, the promoters are in danger of losing their Bill altogether by the veto of the Crown being interposed?

Yes, I have already adverted to that distinction; the Board of Admiralty would exercise the prerogative of the Crown, and would withhold the consent of the Crown, and the Bill would be dropped, so that they have a very great power of enforcing their views upon the promoters.

107. It is therefore the interest of the promoters themselves to see that the Committee does consider the recommendations of the Report of the Board of Admiralty?

Undoubtedly.

108. Whereas there is no such interest in respect of the Reports of the Board of Trade?

None whatever, as the Reports of the Board of Trade are confined to matters of opinion, and they do not represent any prerogative of the Crown.

109. Earl of *Romney.*] The prerogative of the Crown would be confined to tidal waters, would it not?

Yes.

110. But the jurisdiction of the Admiralty extends up to the source of the Thames?

Generally speaking, the Admiralty jurisdiction is confined to tidal waters.

111. But the Admiralty Reports go to every part of the river, even above where it is navigable?

Yes; that is under an Act of Parliament, under the second Preliminary Inquiries Act; but upon those points the Admiralty would have no veto; their veto is confined to matters to which the jurisdiction of the Crown extends.

112. But the Reports of the Admiralty might enter into matters with respect to which they could not exercise a veto?

Yes, they frequently do, but that is under an Act of Parliament; they have not that general jurisdiction.

113. *Chairman.*] Will you inform the Committee what is the present practice of the House of Commons with regard to the taxation of accounts and charges of Parliamentary agents?

The practice of the Commons and of the Lords is precisely the same, being regulated by Act of Parliament. The first of the recent Acts was passed in 1847, for the House of Commons; and the second in 1848, for the House of Lords. Under these Acts either the promoters or the opponents of any Private Bill can have the costs of the Parliamentary agents and solicitors effectually taxed. One of the provisions of these Acts was that a new scale of charges should be prepared and sanctioned by the Speaker in the House of Commons, and by the Chairman of Committees in the House of Lords, and published, and that that scale should be binding upon all the Parliamentary agents and solicitors. The same scale was agreed to both in the Lords and in the Commons, and has since been binding, and the effect of it was greatly to diminish the authorised charges in Parliament, —very nearly one-third.

114. Did that scale include the fees of counsel, as well as the charges of Parliamentary agents and the ordinary House fees?

It did not.

115. What did it include?

It included Parliamentary agents and solicitors, but it did not apply in any way to counsel.

116. Lord *Somerhill.*] Did it apply to the different classes of witnesses?

Although there is no mention, as far as I recollect, in the scale, of allowances to witnesses, the taxing officer has ample authority to allow what is necessary and proper for all witnesses attending the House.

117. But

117. But no scale was laid down for different classes of witnesses?
No detailed scale; it was quite within the authority of both Houses to prepare such a scale, but it was not done; it was limited to Parliamentary agents and solicitors.

118. Duke of *Somerset.*] Practically, there is a scale as regards witnesses?
Practically, there is a well-understood scale; it was not thought necessary to introduce any changes, and therefore no new scale was published, but the old scale was well understood by the taxing officer.

119. *Chairman.*] Is it the practice to allow double fees to counsel as well as to Parliamentary agents and solicitors engaged before Parliament?
The professional usage is for a barrister to receive ten guineas a day, and five guineas as a consultation fee, and that usage not having been disturbed by any authority has been recognised by the taxing officer of both Houses, just as it had been recognised about 40 years before.

120. Is that consultation fee given in any other court?
Not daily, I think; here it is given every day that the Committee sits; all the counsel retained in the case receive both the consultation fee of five guineas and the day fee of ten guineas.

121. No matter whether those counsel are eminent, or men of inferior qualifications?
No, it is the settled fee; no counsel can accept less than the ten guineas a day.

122. Lord *Somerhill.*] Then the junior gets as much as the leader?
He gets precisely the same; such is the usage, and he cannot accept less, honourably to his profession.

123. Are there any special fees for retainers?
There is a retaining fee; that is a very small fee, merely five guineas.

124. There is no larger special retainer?
No; there are brief fees, which depend upon the eminence of the counsel, and they vary from 1,000 guineas to 10 guineas.

125. Earl *Grey.*] Very large fees are given in some of the most important cases to eminent counsel with their briefs?
Yes.

126. *Chairman.*] So that in fact these double fees are in addition to the special fee given to any eminent counsel in a particular case?
Yes; in other courts the brief fee secures the whole service of the counsel; in Parliamentary proceedings there is a brief fee which is proportioned to the importance of the case and the amount of papers to be perused and the other difficulties of the case; and there are also, without reference to the importance of the case, a day fee of ten guineas and a consultation fee daily of five guineas to each counsel.

127. Are you aware what reason has been at any time urged for this usage of giving double fees to counsel employed in Parliamentary business?
The ground which I have always understood to be suggested was this, that counsel were taken from their ordinary courts, and obliged frequently to abandon their regular business, and to appear before Parliament for a few days only; and it was thought that ample remuneration should be given to them for those disadvantages.

128. Although that may have been the case when this double fee was first allowed, is it practically the case now; is it the fact that many counsel are taken away from their ordinary courts, or is it not the fact that there is a large bar who practise entirely before the Houses of Parliament?
Undoubtedly things are greatly changed since that scale was first introduced. Private business, originally, was a very small affair, and now it has become perhaps more important than the proceedings of any other court in the United Kingdom, and accordingly a large Parliamentary bar has grown up with it. Many counsel, and most of the leading counsel, confine themselves to Parliamentary business; at the same time there are several counsel who occasionally come there, and still practise in the courts; and as Parliament is open to the

T. E. May, Esq. and Colonel W. Patten, M.P.

29th June 1858.

whole profession, it is quite competent, at any time, for the promoters of a Bill to secure the services of a counsel from elsewhere, and to go beyond the limits of the Parliamentary bar.

129. Would not those eminent counsel, if they were taken from other courts, receive that additional sum upon their brief, which you have stated is given to counsel in extraordinary cases, beyond the double fee which they receive in an ordinary case?

No doubt they would receive the brief fee.

130. So that in the present state of the Parliamentary bar, there seems to be no reason why this practice of double fees should be continued to counsel practising before these courts more than to those practising before any other court?

I think it is quite open to consideration whether the counsel's fees could not be regulated; at the same time it is necessary to observe that there is one great difficulty connected with it, namely, that these fees are not founded upon any resolution of either House of Parliament, or upon any Act of Parliament; they are merely grounded upon professional usage, and a fee to counsel is an *honorarium* voluntarily given by the promoters and the opponents of Bills, who give what they please.

131. Earl *Grey.*] Is there not this reason for allowing double fees to Parliamentary counsel, that their business is confined to a small portion of the year, whereas the courts of law are sitting for a very large part of the year?

No doubt that is a very great consideration. My own opinion with regard to counsel's fees is, that what is most required, is a simplification and improvement of the procedure, rather than a limitation of counsel's fees. I think the great evil is that, under the existing system, when 18 or 20 Committees are sitting at the same time, it is not possible to secure the services of the counsel who are actually retained in the case, and accordingly each party will have six or seven counsel retained, and paid these day fees, whereas if a better system of procedure could be adopted, two counsel would be amply sufficient; but at present, the number of counsel employed is very great, and the expenses are very heavy. And I should observe that the expenses of counsel are not confined to the fees, but the briefs which the parties have to deliver to seven or eight counsel are often enormously costly. They are generally very voluminous; and the charges for the drawing and the copies for the several counsel amount to very large sums. Then each counsel has daily given to him a copy of the shorthand writer's notes, which are often exceedingly voluminous. I remember a case in which 130 *l.* was the daily cost of copies being prepared merely of the Minutes of Evidence.

132. Does not the answer which you have just given point to the conclusion that the confining of the proceedings before Parliamentary Committees to a small part of the year, so that there must be a number of Committees sitting together, is one main cause of the heavy expense?

Yes, it has always been my opinion that one of the great causes of expense, and one of the great evils of the Parliamentary system of investigating Private Bills has been, that within a very short space of time all these Committees are sitting; but I may observe that the time is much more extended than it used to be, inasmuch as by the quick proof of Standing Orders the Committees can be appointed to sit upon the Bills at a much earlier period of the Session; they are now practically sitting for four months.

133. Lord *Redesdale.*] Do you not think that the time occupied in investigation before the Committees in the Commons is often needlessly protracted?

Undoubtedly.

134. In almost every instance of a contest?

It is needlessly protracted; and that leads me to another suggestion which I was prepared to offer for the consideration of the Committee, which is this: that some system might be devised for narrowing the issues tried before these Committees. The petitioners who deposit petitions in the House of Commons might append to the petition an abstract of the grounds of objection to the Bill, which might be answered in writing by the promoters of the Bill; and the day before the Bill came on for consideration in the Committee with all the parties present, these heads of objection and the answers might be considered by the Committee, and they might themselves devise some mode of narrowing the

the issue to be tried before them, and not go over the whole range of the case, which, as presented by the parties, is nearly interminable.

135. Would not that call for the necessity of considerable ability on the part of the Committee?

I should think that it would facilitate the consideration of these matters, and that if the Committee lacked ability, they would rather be helped by this suggestion than in any way embarrassed.

136. Earl of *Romney*.] Certain points might be admitted?

Yes.

137. Lord *Redesdale*.] Do you not think that by the ingenuity of able counsel before them, they might come to the conclusion that some very important point for their consideration should be omitted from their consideration altogether?

Very probably; I should not venture to suggest that the counsel should in any way be restricted in their mode of presenting the case to the Committee; of course the Committee would hear what the counsel had to offer, but at the same time, being better informed as to the case, and having had time to embrace more facts than would otherwise be presented to them, they could indicate the course which they thought it proper for both parties to pursue in the conduct of the case.

138. Viscount *Eversley*.] Then these statements would assume the form of pleadings?

Yes, but they must be kept very simple and short; it is merely a suggestion to meet the acknowledged difficulty of the very loose inquiries which are frequently entered upon.

139. Lord *Redesdale*.] Do you not think that if, prior to the sitting of the Committee, both parties were to give in a list of the number of witnesses which they proposed to call to prove their several facts, and if that list of witnesses was submitted to some Committee, say to the Standing Orders Committee, who should say whether it was reasonable that that number of witnesses should be examined on the one side or the other, the inquiry might be very materially shortened?

I should scarcely venture to propose that the discretion of the parties in producing witnesses should be interfered with, because if afterwards, in going before the Committee, their case were to fail from the want of sufficient evidence, I think they would have reason to complain. There are various formal proofs or *quasi* formal proofs before Committees even upon opposed Bills, which often lead to very great expense, and which might be proved by affidavit. I think it would be well to consider whether affidavits might not be very generally introduced in proceedings before Private Bill Committees.

140. What matters do you think could be proved by affidavits?

It is difficult, perhaps, to specify the class of cases; but there are many cases not actually opposed where documents are put in and circumstances stated, which, though material proofs, are not subjects of cross-examination, and which the opponents do not desire to make subjects of opposition. I think that various matters of that sort, at the discretion of the promoters, might be proved by affidavit, of course leaving it to the Committee to require further evidence in any case, and to call any witness who may be thought necessary. Such a suggestion is particularly important as regards the Proceedings of the House of Lords, because although a smaller number of witnesses are examined there, the cost of examining them is much greater than in the House of Commons, as they have to attend a greater number of days, being obliged to come to be sworn at the bar of the House of Lords previously to being examined. For example, if an opposed Bill Committee should be appointed to sit on Monday, the witnesses are sometimes obliged to be in attendance on Friday, to be sworn at the bar of the House of Lords; and they are detained in town on the Saturday and Sunday, in order to be examined on the Monday.

141. In general, as the House sits upon appeals in the morning, that is not now the case, is it?

The House now sits much more frequently on the Monday for appeals than it formerly did. Again, the same inconvenience arises from the fact that the House never sits on Wednesday.

142. Lord *Somerhill*.] With regard to the number of counsel, has it occurred to you that it would be possible to limit the expenditure to which you have adverted,

T. E. May, Esq. and Colonel W. Patten, M.P.

29th June 1858.

adverted, which is caused by the necessity of retaining more counsel than are practically engaged upon the Bill, by a resolution of the Committee that two counsel only should appear for any party, and that those two only should be heard upon question, or should be allowed to take part in the proceedings?

No doubt, in some cases, Committees of the House of Commons, and probably of the House of Lords also, though I am not aware of it, have adopted such a resolution; but it only meets the difficulty partially, and it is a practical injustice to the parties, as they are unable to secure the counsel upon whom they most rely.

143. *Chairman.*] Has it not been the fact that many counsel have received their fees, and have never attended at all in the room?

That is constantly the case, and inevitably the case; it cannot be otherwise.

144. Do you think it would be practicable or expedient that in the taxation of the costs no fees should be allowed to counsel, in cases in which they had not actually appeared before the Committee?

Any such course as that would be a very partial remedy, and would be attended with great difficulty. In the first place, the fees to counsel are only a very small portion of the entire costs incurred which are submitted to the taxing officer; in the next place, there is no evidence of that fact; the fees have been actually paid; the solicitor is before the taxing officer, and not the counsel, and he states that the Committee sat on such days, and that these counsel were in attendance, and their services available, if required. I think that it would be practically ineffective.

145. Duke of *Somerset.*] I understand your evidence upon the subject of counsel to come to this, that no reduction of expense can be looked for in that direction?

Not much, unless the Committee should think fit to consider whether there might not be a maximum and a minimum day fee, and consultation fee, according to the standing of the counsel; whether, just as there is a discretion on the part of the solicitor in marking 100 guineas or 10 guineas on the back of a brief, he should not also, according to the standing of the counsel and the importance of the case, fix five guineas, or even three guineas, for the attendance before the Committee of a junior counsel, and a proportionate amount for a consultation.

146. Do you think that that might be done?

I see no objection, in point of principle, to such a regulation; on the contrary, I confess that I do not understand the principle of the uniformity of charge, whatever may be the services and standing of the counsel.

147. Lord *Redesdale.*] In some cases is there not an unfair charge upon the opponents of a particular clause or provision in a Bill from their counsel being obliged to attend, or claiming the privilege to attend on the whole of the proceedings before the Committee?

Yes; I have frequently heard complaints on that ground, the difficulty being for the counsel to ascertain with certainty on what day his services will be required.

148. Do not counsel claim to be allowed to be present, and to attend throughout the whole of the proceedings, although only retained upon one particular part of them?

Yes; from the day that they enter their appearance, and appear before the Committee on that particular Bill, until the Bill is disposed of, their fee is charged every day.

149. They receive ten guineas a day, though they may be only engaged on behalf of their clients for a single day?

Yes; that is the practice.

150. *Chairman.*] Is it your opinion that if you are to retain the Parliamentary tribunal for the adjudication of these matters, you cannot materially reduce the expenses which would be avoided with a tribunal apart from Parliament?

I have already suggested expedients for diminishing the expenses, and other means may probably be devised, but Parliament will always, I fear, be a costly tribunal. There is also, in my opinion, a very great objection to the present system with regard to the question of principle. I think that in practice the House of Commons has almost given up any attempt to lay down general principles

T. E. May, Esq. and Colonel W. Patten, M.P.

29th June 1858.

principles in regard to Private Bill Legislation. Formerly it was understood that the second reading of the Bill was the opportunity for discussing and affirming the principles of the Bill; but, practically, now the second reading of a Private Bill has become a merely formal proceeding,—as formal as the first reading. It is always argued, if there is any opposition, that that is a matter for the consideration of the Committee, and it is therefore referred to the consideration of the Committee. The Committee then make a Report, and perhaps objections are made to the decision of the Committee. It is immediately argued, "Let us put confidence in our Committees; the Committee have heard counsel; the Committee have fully ascertained the nature of the case; we know nothing of it." The House, therefore, leaves the proceedings wholly to the Committee. Consequently, both on the second reading, and on the consideration of the Report, the House refuses to affirm any principle; it refuses to look into the principle. As an example, I will refer to two opposite decisions; I do not venture for one moment to state that those decisions may not have been sound, but this did happen in the course of the present Session, and I think that it was rather a remarkable instance. There were two Reports from Railway Committees for consideration on the same day: one distinctly affirmed the principle of competition, and the other excluded the principle of competition; that had been the main issue tried before both Committees: and both those Reports were affirmed by the House. They may have been properly affirmed; but still, as regards the main question of competition, the House certainly exercised no vigilance and no discretion of its own.

151. Earl *Stanhope.*] Were those Reports affirmed with discussion or without discussion?

Both of them with partial discussion.

152. Was the fact which you have now stated elicited in the course of that discussion?

The circumstances were well known and brought out in discussion; that in the one case the competition of a rival line had been excluded by the decision of the Committee, and that in the other case, which was a very strong case indeed, competition had been distinctly sanctioned.

153. And, nevertheless, both Reports were affirmed on the same evening?

Both Reports were affirmed within 10 minutes of each other; and the same course of proceeding is continually adopted. I may mention the question of gauge. There was a Commission appointed to inquire into the broad and the narrow gauge, and certain recommendations were made by that Commission upon which a statute was founded; and nevertheless that question has been quite open ever since; one Committee has decided in one way, and another in another, and no general principle with regard to gauge has been adopted.

154. Lord *Redesdale.*] Are you not in error in saying that the recommendation of the Commission with regard to gauge was adopted?

It was partially adopted. An Act of Parliament was founded upon it.

155. The recommendation of the Commission, if I remember rightly, was that the narrow gauge should be the gauge of the whole country?

I am not entering into the particulars of the recommendations. I merely mean to say that the result of that Commission was that an Act of Parliament was passed defining certain principles and limitations with regard to the broad and the narrow gauge.

156. With a further provision in the Act that no alteration from that Act was to be permitted unless specially inserted in the Bill?

Precisely; and therefore no principle, in fact, was affirmed at all. Parliament has ever since exercised its own discretion in each case; or, rather, each Committee has done so, and not Parliament.

157. Earl *Grey.*] And very contradictory views have been acted upon on that subject by each Committee?

Yes; and necessarily.

158. Lord *Somerhill.*] Do you think that, so long as the present tribunal is retained, uniformity could be established upon certain questions which arise, such as uniformity regarding *locus standi*, uniformity as to the question of the amount

T. E. May, Esq. and Colonel W. Patten, M.P.

29th June 1858.

of anticipated traffic or profits, which is a matter dealt with very differently by different Committees, whether power ought to be given for borrowing, and so on. Do you think that any code could be framed to guide Committees so long as you retain the present tribunal?

More distinct instructions could, no doubt, be framed by Parliament, but I very much doubt whether they would be of any practical value so long as there are so many Committees sitting; the case being presented to them in different forms by the parties interested. I think it scarcely possible to secure uniformity so long as that is the state of things.

159. Has any attempt been made to embody precedents for the guidance of Committees; is there any book of that kind published, such as there is of reports of cases in the courts of law?

There are several works of that description, respecting joint-stock companies, and so forth, works prepared for counsel.

160. Giving a series of precedents?

Certainly, and assisting very much in the formation of a judgment upon such points.

161. Are those works admitted practically by Committees, as carrying with them much authority?

That is according to the authority of the work; but learned works and text-books, are referred to with the same authority before Committees as they would be before any other Court, and they are relied upon by counsel, no doubt.

162. Lord *Redesdale.*] Is there not one reason why they cannot be very strictly relied upon, namely, that the decision of the Court is not either very uniform, or, in all instances, particularly respected?

Another great difficulty which exists is, that the circumstances of each case are, to a certain extent, different from those which have been presented to previous Committees, and that objection is constantly raised.

163. *Chairman.*] Has any scheme ever occurred to you by which, in the case of unopposed Bills, the double procedure, both as to proof and as to other matters, before the two Houses of Parliament might be avoided by means of affidavit or of a certificate that such matters had been proved and settled by the Committee of the House of Parliament, where the matter was first taken, as to a certain extent is done, I believe, in Estate Bills and Divorce Bills which go from the House of Lords?

Yes; it has occurred to me that, assuming the double tribunal to be continued, there might be a system adopted of communicating between the two Houses the proofs taken upon unopposed Bills, and in that way rendering it unnecessary to require the double attendance of witnesses. That difficulty might also be met by a suggestion which I have already offered, of substituting affidavits in certain cases, and especially in unopposed Bills, for the oral evidence of witnesses. I think that by the adoption of both those courses the expense of unopposed Bills might be very considerably diminished.

164. To what extent is that course pursued with regard to Divorce Bills and Estate Bills?

With regard to Estate Bills, as your Lordship is aware, they are always gone through in the House of Lords, and the proofs are taken with very great care. Those proofs have been received ordinarily by the Committee of the House of Commons as sufficient to all intents and purposes, and no other evidence has been taken; nothing has been required but the attendance of the solicitor or agent to explain matters to the Committee.

165. Then, in fact, the Committee of the House of Commons have accepted a certificate of the evidence which has been given before the House of Lords, and which has been satisfactory to that House of Parliament, as being conclusive in inducing them to give their assent to the measure?

Yes; that has been the practice for many years. I should observe in reference to that matter, that there is this practical difficulty, that the evidence is taken on oath before your Lordships' House, and is not taken on oath by the House of Commons; and therefore probably the House of Lords might not be equally willing to accept the proofs which had been received by the House of Commons.

166. But

T. E. May, Esq. and Colonel W. Patten, M.P.

29th June 1858.

166. But that difficulty would be obviated if it should be thought desirable to allow the Committees of the House of Commons to take evidence upon oath on matters of fact, as is done before this House?

Yes, I think so. On many grounds it has been frequently suggested that the Committees of the House of Commons should have power to take evidence upon oath, and I think that if any very harmonious action is to be expected between Committees of the two Houses, it will be necessary to give that power to the Commons.

167. Earl *Stanhope.*] At present that power is limited by statute to the Election Committees?

It is; or rather it would be a more accurate way of stating it, to say that the Election Committees are empowered by statute to take evidence on oath, and that is the only occasion upon which the Commons have that power.

168. *Chairman.*] Do you think that it would be advantageous to extend that power to other matters before Committees of the House of Commons?

That has been a vexed question: but I entertain a strong opinion myself, that such a power ought to be granted. If evidence is admitted to be more trustworthy when taken upon oath, I think it is a great anomaly that the House of Commons should not be able to exercise a power which is confided to most of the inferior tribunals in the country. I was taxing officer, for several years, in the House of Commons, and I was daily in the habit of administering an oath, and yet the House of Commons itself was not able to administer an oath in matters of infinitely greater consequence.

169. Viscount *Eversley.*] You were acting under an Act of Parliament?

I was.

170. *Chairman.*] In the case of unopposed Bills, you think that a very considerable saving of expense might be obtained by pursuing the same course which is adopted with regard to Estate and Divorce Bills coming from the House of Lords to the House of Commons?

Yes, I think so, certainly.

171. Have you ever considered the question, whether it would be feasible to have a joint Committee of the two Houses of Parliament to consider any Bills which might be brought before them?

Yes. That question has been suggested very frequently, and has rarely met with much favour, the objection ordinarily having been, in the first instance, that the Commons would, according to their ancient usage, claim to have twice as many Members on that Committee as the House of Peers; and that claim on their part could scarcely be acquiesced in by the House of Lords. But it has occurred to me that if it were thought advisable to adopt such a system as that of a joint Committee, probably the difficulty might be met in this way: by constituting the Committee of five Members, three being appointed by the Commons and two by the Lords, and one of the two Lords always being the Chairman. The Chairman would have the casting vote in case of an equality of voices; and by the responsibility and influence which attaches to the office of Chairman, I think this arrangement would, in fact, equalise the proportions represented by the two Houses on the Committee.

172. Duke of *Somerset.*] Do I correctly understand you to say, that you consider that a joint Committee of the two Houses would be a better system of dealing with Bills than two inquiries by two Committees?

The question which was put to me was, whether I had considered the point with regard to a joint Committee. I think that the double inquiry is a very great objection, except when, as is often the case, the second inquiry assumes, in fact, the form of an appeal from the decision of the first tribunal. When it assumes that form, I think a double inquiry is beneficial; but it is most objectionable when it is merely to try over again the same issues which have been tried before, or to take the same proofs which have already been given sufficiently before.

173. In the case of a contested Bill, it is very often, in fact, an appeal?

It, in fact, is an appeal; it cannot be admitted of course to be an appeal; the House of Commons would scarcely recognise that a Committee of the House of Lords was a Court of Appeal from the decision of its own Committee.

174. But, practically, it acts as an appeal?

Practically it acts as an appeal, and therefore if there were a system of joint

T. E. May, Esq. and Colonel W. Patten, M.P.

29th June 1858.

Committees, in order to avoid a double inquiry, it would be necessary to devise some sort of appeal from the decision of the joint Committee.

175. Even if we had a joint Committee, you would have in some cases another inquiry by a Court of Appeal?

I think that it would be indispensably necessary.

176. What would be the great advantage as regarded the expense, and the satisfaction to the public, if at present they are liable to two Committees, one in the House of Commons and one in the House of Lords, whereas in the other case they would be liable, first to a joint Committee of the two Houses, and then to a Court of Appeal?

I am merely suggesting modes of meeting the acknowledged difficulties of the double legislation. The advantage to be attained by a joint Committee is, that in the great majority of cases the double inquiry would be avoided, whereas now it is necessary in every case. There is now in the case of every Private Bill a double inquiry; in the case supposed of a joint Committee, there would only be a double inquiry in a few exceptional cases, where it was thought necessary to appeal from the decision of the first Committee. I think also, supposing the present system to be founded upon the principle of appeals, that the number of appeals would be greatly diminished, because there is now an appeal from one House to the other, whereas in that case both Houses would have expressed through their representatives on the Committee a decided view, and I think that the number of appeals would be exceedingly limited; there would probably be not one-third as many as there are now.

177. Lord *Redesdale.*] Would there be any greater reason to expect satisfaction with the decision of the first Committee, because there were two Lords upon it, instead of its consisting of five Commoners?

I think it would operate in this way: I think there would be a degree of *esprit de corps* in the House of Lords, that they would attach more weight to the Report of a Committee which embraced representatives of both Houses; and any ulterior proceeding, after an inquiry had taken place before this joint Committee would be treated distinctly as an appeal, and not be a matter of course as it is now.

178. The question of satisfaction with the decision does not rest with the Houses, but with the parties. Do you think that the parties would be more satisfied with the decision, because there happened to be two Lords upon the Committee, instead of it being composed of five Commoners?

I do not think that it depends upon whether the parties are satisfied, but upon whether they think that they have a chance of reversing the decision.

179. Would not it be equally so whatever the second tribunal was to which the matter was to be referred?

I cannot entertain that opinion, because at present a double inquiry is a matter of course, and the opponents take their chance; if they have failed in their case before one House, they may try the experiment as a matter of course before the other; whereas, according to the suggestion now made, there would be a distinct appeal upon one single issue.

180. Surely it is not the case that all the Bills which are opposed before the Commons are opposed before the Lords?

Certainly not; I have already stated that only a small proportion of the cases which are opposed in the Commons are opposed in the Lords: probably not more than one-third.

181. Earl of *Romney.*] It entirely depends upon whether the parties are satisfied with the first judgment?

Not so much upon whether they are satisfied with the first judgment, as whether they have a chance of reversing that judgment.

182. Earl *Grey.*] If the Bill is not opposed again in the House of Lords, there is no expense of a second inquiry?

The expense of an unopposed Bill in the House of Lords is inconsiderable.

183. Then the expense of a second inquiry is only incurred in those cases where the parties think that there is a chance that the opposition which has failed in the House of Commons will succeed in the House of Lords?

Yes.

184. And

184. And in those cases there would be the same motive for going to any tribunal which might be established?

I think that there would be rather a less inducement; I believe that the court of appeal would be more rarely resorted to, and I am not sure whether appeals ought not to be restrained by the apprehension of costs.

185. Lord *Somerhill.*] Have you seen, or do you know, whether there is any return of the proportion of cases, which, having passed the Commons, have been rejected in the Lords, and also of those which, having been opposed ineffectually in the Commons, have not been opposed in the Lords: have you made any calculation of that sort?

Yes. In 1855 the number of opposed Private Bills in the Commons was 132; in the Lords, 46; and one Bill was thrown out in the Lords. In 1856 the number of opposed Private Bills in the Commons was 102; in the Lords, 33; and one thrown out in the Lords. In 1857 the number of opposed Private Bills was 127; in the Lords, 36; and three thrown out in the Lords.

186. Are you at all aware upon what ground it is supposed that opposition which has failed in the Commons will succeed in the Lords, if it is upon the same point?

That the parties are dissatisfied with the decision, and they think that they have a good case.

187. They think that the decision was wrong from the evidence adduced?

Yes. If they consider themselves aggrieved by the decision of one House they naturally take the opportunity of presenting their case before the other; or it frequently happens that they find they have failed from the want of the proper evidence, and that they have not presented their case in the most forcible manner.

188. That they can mend the case?

That they can mend the case on bringing it before another tribunal.

189. Duke of *Newcastle.*] What tribunal of appeal would you constitute from the decisions of a joint Committee of the two Houses?

It must be, I imagine, a Committee of larger character, a permanent Committee, also constituted of Members of both Houses.

190. Larger in point of number?

Rather larger in point of number, and a permanent Committee applying its attention throughout the Session to questions connected with Private Bill legislation; probably a Committee constituted like the Standing Orders Committee.

191. And appointed for the Session?

And appointed for the Session.

192. Duke of *Somerset.*] Is there not some difficulty in keeping a permanent Committee?

I think that the permanent Committees which have been tried, such as the Standing Orders Committee and the Committee of Selection, have generally given considerable satisfaction.

193. *Chairman.*] What permanent Committees are there in the House of Commons?

We have the Standing Orders Committee, which is a permanent Committee, and the Committee of Selection and the General Committee of Elections.

194. And those Standing Committees have answered well and given satisfaction?

I think they have answered exceedingly well for the purposes for which they have been established.

195. Duke of *Somerset.*] They are established for purposes which do not occupy them very long?

They are occupied, more or less, during a considerable part of the Session: but their labours are not very onerous.

196. You propose a permanent Committee to undertake the most difficult of all cases, namely, those in which a joint Committee of the two Houses has not given satisfaction; that supposes at once a difficult case, and a case violently contested?

Certainly.

T. E. May, Esq. and Colonel W. Patten, M.P.

29th June 1858.

197. Therefore you would have a permanent Committee which would have very laborious duties to undertake?
Very laborious and very responsible.

198. That is different from the permanent Committees now in existence?
Very different indeed; the functions of such a Committee would be of a very superior character; I quite admit that. I would observe also, that with reference to the joint Committee of the Houses of Lords and Commons, I have not ventured to recommend that as an expedient absolutely fit for adoption, but it has given rise to the discussion of a suggestion which has often been made by others.

199. This permanent Committee would be after the joint Committee had come to a decision upon the subject which was unsatisfactory?
Yes.

200. It would sit somewhat late in the Session?
Probably rather late in the Session.

201. Therefore this one Standing Committee would have to hold itself ready to perform a very troublesome and onerous duty at a time when it is most difficult to get members to do their duty at all?
There would be a great deal of trouble involved in it, and a great deal of responsibility. I think that if we endeavour, by any means, to make this species of legislation more efficient, we must require more onerous services from our Members.

202. Lord *Wodehouse.*] The labours of such a Committee as you suggest would last for a great many days?
Yes; but the issue would be narrowed to certain points; the whole range of the question would not be entered into a second time.

203. *Chairman.*] Upon the supposition of still retaining the jurisdiction of these matters in Parliament, are there any other suggestions which you can make to the Committee for improving the course of proceeding both by diminishing the expense and facilitating the transaction of business?
No; it appears to me that in the course of the examination all the suggestions which I had to offer have been brought out, assuming that the present system is to be continued.

204. Supposing it should be decided that some other tribunal might be resorted to, have you ever considered the subject of what course you would then recommend for the purpose of establishing a tribunal for conducting the business which is now conducted in Parliament?
That is a matter of very great difficulty, and I certainly have paid considerable attention to it, because I have watched with much care the experiments which have already been tried. It appears to me that great difficulty has been experienced in bringing Executive Departments into harmonious action with Parliament. I think that Parliament generally has a constitutional jealousy of Executive Departments of the Government, whose recommendations are not generally received with the same favour, and have not the same weight attached to them as the opinions of any tribunal which is constituted by Parliament itself, which is immediately responsible to Parliament, and derives its direct authority from it. I have noticed particularly the case of the Board of Trade, whence many valuable Reports have been presented to Parliament, and have been received with very great disregard. I have already noticed the failure of the Preliminary Inquiries Act; Parliament certainly did not give due consideration even to the recommendations which came from the Commissioners appointed under that Act. But it appears to me that Parliament always relies, and now almost too generally relies, upon the reports of its Committees; it delegates the whole inquiry to its Committee, and it scarcely ever disturbs their determination. It appears to me, therefore, that if Parliament is prepared to substitute some efficient tribunal for its Committees, that tribunal must be a Parliamentary Court, constituted by Parliament, and reporting to both Houses. I think that such a Court might be established, as would in the course of a Session commencing very early,—for instance, in January,—hear all the cases, and report them to Parliament, and that the constitution of such a Court would avoid almost all the evils which are incident to the Parliamentary system. I have estimated that about three Commissioners would be sufficient to accomplish this task. They might sit separately in ordinary cases, and on all unopposed Bills, and Bills of minor importance, reserving questions for the consideration of the whole court if necessary; and the

the most important cases, such as great railway contests, might be heard by the whole Court.

205. How would you propose to constitute that Court?

I think that the Court should be composed of men of the highest standing and acknowledged efficiency who could be found to undertake the office; it occurred to me that if there were only three, in the first instance, probably they might be nominated in the Act of Parliament, and that, subsequently, the President should be appointed by the Crown, and the other two Commissioners, one by the House of Lords and the other by the House of Commons, or by the Lord Chancellor and by the Speaker of the House of Commons, so that the whole legislature should be represented in this Court.

206. Viscount *Eversley.*] Or by the Chairman of Committees?

Yes.

207. *Chairman.*] You would have these Commissioners appointed by Parliament?

Yes.

208. How would you have them paid?

I would have them paid such salaries as would secure the services of the most eminent and highly qualified men. I would put them upon the same footing as the judges of one of the superior courts of common law.

209. Would you have them appointed for life?

Certainly; and they should have exactly the same standing as judges of any other superior court.

210. Lord *Redesdale.*] Would you allow any appeal from them?

Yes, there must be an appeal from them.

211. To whom?

Each House should determine the best form of appeal in particular classes of cases. There might be some matters which the House would think sufficiently considered by referring the report of the judges back to the Court for a further report; there would be other classes of cases in which it would be necessary to refer the question to a court of appeal, taken from the two Houses.

212. Earl *Powis.*] Do you contemplate the members of this court being barristers, or members of the two Houses?

I should not contemplate their being members of the two Houses; that might be open to consideration; but my own view was that the Chairman should be one of the most eminent of the Parliamentary counsel who could be induced to accept the office, in whom all the Parliamentary bar would acknowledge the excellence of the choice.

213. Duke of *Somerset.*] Your object in this suggestion is to produce something like a judicial decision?

A judicial decision; I should propose that before this Court was established, both Houses of Parliament should agree upon many more principles than they have yet distinctly affirmed; because it is quite obvious that this Court could not take the same discretionary view of Private Bill legislation as Parliament has exercised.

214. A court of law usually deals with facts which are past?

No doubt.

215. This Court is to deal with prospective arrangements; that is, giving gentlemen the power of altering the law for certain purposes?

Yes.

216. That is obviously a very different system?

Quite a different system.

217. For instance, a railway company claims the right to take away people's property through the country?

Yes.

T. E. May, Esq. and Colonel W. Patten, M.P.

29th June 1858.

218. That is a very different case from a determination by any judicial court concerning the rights of property or the rights of persons?

The circumstances, no doubt, are different; but it appears to me that a court of equal competence would be quite as able to decide on such matters, as an ordinary Parliamentary Committee.

219. Is it not calling in the entire functions of Parliament, as regards our ordinary legislation?

I think not. I think that it would be merely exercising the same functions as are now exercised by a Committee of the House. The Committees inquire into all these facts, and they make such meagre reports to Parliament, that Parliament does practically delegate its functions to five members constituting a Committee; whereas, in this case, I should require that the Court should make a full report of the merits of every Bill into which they inquired, and Parliament would be much better informed than it is now, both as to the principles, and as to the details of every Private Bill.

220. *Chairman.*] I suppose you would make the report of this tribunal, the same as the report from a Committee, subject to the approval or disapproval of the House of Commons, or of Parliament, or of the measures so reported upon?

Certainly; and I think that there would be one great advantage as regards the discretion exercised by Parliament. I think that it would be advisable to restrict the court to the carrying out of principles already recognised by Parliament, as far as they could be ascertained, and that whenever any novel principle of legislation was sought to be sanctioned by any Private Bill, a special report should be made upon that principle of legislation, and the attention of the House should be particularly directed to it.

221. In the case, for instance, such as the introduction of the system of electric telegraphs, which was a novelty, you would propose that this tribunal should report it as being a special case, and leave to the House the decision on the propriety of encouraging or discouraging such an experiment?

Yes; and one great advantage which I should anticipate from this court, if the experiment were tried, would be this: I have already stated that Parliament has really by its modern system of legislation ignored the principles contained in Private Bills on the second reading; it, in fact, knows nothing of the circumstances, and that has been frequently observed. Perhaps the Committee may recollect the letter which Lord Stanley addressed, some few years ago, to Sir John Pakington upon the system of Private Bill legislation, in which he adverted to the fact that the House was always in ignorance of the circumstances connected with a Private Bill, on the second reading. Now, according to the system proposed of this new Court, the House would be in possession of the Report of the Commissioners before the Bill was read a second time; and would, therefore, be able to exercise an intelligent judgment upon the principles of the Bill, and would really affirm or deny them upon the second reading.

222. Earl *Graham.*] Practically, what appeal do you propose from the Court which you have suggested; you mean that the matter should be discussed upon the second reading in the House. Take, for instance, the case of two rival lines; if the Court threw out one and passed the other line, would you propose that that should be received on the second reading in the House?

No; I should deprecate that very much, and should endeavour to avoid it as far as possible.

223. Then do you propose any other appeal?

Yes, I propose a Court of Appeal; a Private Bill Committee, to whom the reports of this Court should be referred, and by whom certain particular facts should be inquired into; not that the whole issue should be raised again, but that, if necessary, particular facts should be inquired into, and reported to Parliament.

224. Lord *Redesdale.*] Who is to determine the facts which are to be inquired into?

I think that there would be no difficulty in arranging what the facts should be, because the parties who appealed would have to state specific grounds of objection by

T. E. May, Esq. and Colonel W. Patten, M.P.

29th June 1858.

by petition, and these specific grounds of objection would be referred to the consideration of the Committee.

225. You say that this Court which you propose should be presided over by some eminent Parliamentary counsel; do you think that any Parliamentary counsel could be selected whose decisions would be accepted in any way as satisfactory by railway companies, against whom he had been uniformly employed as counsel?

I think that great delicacy would be required in the selection, but I think that it could be accomplished; I have little doubt that a counsel could be selected who on the bench would be considered as perfectly impartial, and whose eminent abilities would be acknowledged by all.

226. With regard to unopposed Bills, do you think that the arrangement would be likely to be carried on at any less expense, or with more satisfaction, before one of these Examiners so appointed, the Bill afterwards coming to Parliament, than it is now before the Chairman of Committees in the Lords, and the Chairman of Ways and Means in the House of Commons?

The experiment is of so novel a character, that I should scarcely venture to give any very confident answer to such a question; but I think that, taking for example the success of the Examiners, who do the duty of four Committees, we might reasonably expect that such a Court, by sitting from day to day, by sitting from ten till five, and by better arrangement and procedure, would introduce so improved a system altogether, that the parties would be saved a very great expense, and the principles of legislation would be better recognised and better established than they are now.

227. By the system which you propose, the Bill is to come back to Parliament, and to go through all the Parliamentary stages, as before?

Except that of Committee. I would not refer it to a Committee, except in the case of a distinct appeal upon specific grounds; and it might then be referred to a Committee of Appeal, or a Committee on Private Bills, constituted as the House might think fit.

228. Then, practically, what would be the use of coming to Parliament at all?

Precisely the same use as at present. You now choose five members accidentally, as a tribunal to determine all these important points; whereas under this new system you would have the three best men that could be selected, who would devote their attention particularly to those matters.

229. I am speaking of unopposed Bills; what advantage would there be in coming to Parliament at all, merely to take the first and second readings, without there being any discussion upon any portion of the Bill?

I think I might observe, that your Lordship some time since adverted to the advantage of coming to Parliament for Gas Bills, as respected imposing restrictions upon Gas Companies. Precisely the same advantage would be obtained by coming to Parliament under this new system; the Court would advise Parliament what the tariff should be upon gas, or other matters comprised in a Bill, and it would be for Parliament to affirm that recommendation, or to depart from it.

230. Then all these questions are to be discussed in the whole House?

Not more than is the case now.

231. Then at what stage are these questions to be discussed with regard to the details of tariff, or any matters of that sort; you reject the Committee?

Certainly. At present these matters are brought before a Committee of five Members appointed for that particular purpose.

232. I am talking of unopposed Bills?

In the case of unopposed Bills they are settled in this House by your Lordship and two other Peers, and in the House of Commons by the Chairman of Ways and Means and two other Members; and I apprehend that those cases could be considered with equal effect by one of these Commissioners.

233. If the matter is to be settled entirely by one of these Commissioners, instead of by Parliament, what is the use of coming to Parliament at all, and having a *pro formâ* first and second reading of the Bill?

I do

T. E. May, Esq. and Colonel W. Patten, M.P.

29th June 1858.

I do not see that there is any practical difference between this system and the existing one; it is now settled by one or two Members of the House, without any general knowledge on the part of the House itself; and then it would be settled by this Court doing the same duty, and reporting to Parliament.

234. The whole is a Parliamentary proceeding at the present moment; and therefore the different readings of the Bill are not out of place; but you propose that Parliament is merely to exercise the official act of giving a first, second, and third reading to a Bill which has been prepared by other parties. Where is the use of having that first, second, and third reading of a Bill, if no steps are to be taken upon it?

But steps are undoubtedly to be taken upon it; the principles of the Bill are to be affirmed upon the second reading; the Court will not pass the Bill in any sense; it will merely call the attention of Parliament to the circumstances of the Bill, and will recommend, either its adoption or its rejection, and Parliament will decide as it does now. Parliament at present practically deputes the determination to its Committees, and if this Court were appointed, I hope that Parliament would practically acquiesce in the determination of this Court, and not often disturb its decisions.

235. Duke of *Somerset.*] Take, for instance, the London Water Bill, with all the Water Companies fighting against each other and against the public, and the ratepayers fighting their way, and a Commission having given its Report; when such a question came, you would send it to your Court?

Yes, if it happened to be a Private Bill. That case, however, was quite an exceptional one, inasmuch as it was not a Private Bill; it was a hybrid Bill, brought in by the Government, and submitted to the Committee.

236. Those Bills were Private Bills in the first instance?

It was quite an exceptional case, being in reality a Public Bill: an important question of public policy was referred to the consideration of a Committee of Parliament,—the water supply of the whole Metropolis.

237. Take a Private Bill coming forward to supply London with water, which may arise again any day; that would go to your new Court, would it not?

Yes; if it were a petition for an ordinary Private Bill.

238. That Court would have to consider it with all the details which arise upon it?

Yes.

239. And having considered it, the question would then come down to the House of Commons upon the second reading to decide the principle?

Yes. I may state that I have anticipated such an objection, and it appears to me that there may arise cases in which the proposed Court should recommend some other course to be adopted. It is quite possible that there may be questions of such important public policy as to be beyond the ordinary jurisdiction and powers of such a tribunal, and I think that in such cases either the ordinary system should be adopted, or some provision should be made for such exceptional cases, or some special report should be required from the Commissioners, without their going into the whole question of the public policy.

240. Would not people always be trying to make their case an exceptional case?

I have not the least doubt that the Court when first constituted would have very great difficulties to contend against; but if Parliament had fully considered all the difficulties beforehand, had provided for the greater part of them, and had determined to give fair play to this Court, and to repose the same confidence in it as they now do in their own Committees (and I think it would be equally entitled to confidence), I see no reason why that Court should not be a very great improvement upon the present system of procedure.

241. Take the case of the Great Northern Railway; do you think that that case would have been satisfactorily settled by such a Court, and that the public would have acquiesced in its decision?

With regard to the public, I think they ordinarily concern themselves very little with such contests. The parties alone are interested; and I think that the satisfaction of the parties rests upon the chance which they have of getting a decision

sion in their own favour; that if the decision is given against them, and they have no means of reversing it, they acquiesce. The public, in the great majority of cases, take very little interest in the contest.

242. As I understood you in this case, there was to be an opportunity of reversing the decision. I have understood you to state that persons coming to the House of Commons and bringing an accusation against the Court would have a chance of reversing the decision?

I would not say an "accusation" against the Court, but an exception taken to their decision; and in such important matters I think that some form of appeal must be allowed.

243. You mean some sort of appeal besides the House, as I understand you. The case is to come to a second reading after all the details have been considered by the Court?

Yes.

244. You reverse the mode of proceeding?

Yes.

245. The course now is first to admit the principle and then to go into detail. Your practice would be first to go into detail and then to consider the principle?

I have endeavoured to explain why I recommend that apparent reversal of the present rule. My belief is, that although in theory the House does affirm the principle of a Bill upon the second reading, it practically does no such thing; it does not understand what the principle is, except in a very few instances. According to the system which I propose, the House might be informed beforehand of what the real principle of the Bill was. I have also mentioned, and would repeat, that where there is a novel principle of legislation, or an important principle of legislation not actually novel, I think that the Commissioners might in such cases reserve any distinct determination, but report upon it for the information of Parliament.

246. Viscount *Eversley*.] Do you propose to retain the Examiners?

That would be a matter for consideration. The Examiners might either continue to perform their functions independently of the new Court, or (which would probably be a superior arrangement), they might become part of the establishment of the new Court, both for inquiries into Standing Orders, and other matters in which I think they might render very efficient assistance to the Court.

247. Supposing that the promoters of a Bill had not complied with the Standing Orders, it would be necessary to suspend all further inquiry till the decision of the Houses of Parliament was taken with reference to those Standing Orders, whether the promoters should be allowed to proceed or not?

Yes; but I should suggest that a power should be given to the Court of dispensing with the Standing Orders, but not of refusing to dispense with them. Where they thought that the cases of non-compliance were of such small consequence, and affecting the public interest so little, that the Standing Orders might fairly be dispensed with, I think that they might have the power of dispensing with them upon the same principles as those by which the Standing Orders Committees of both Houses have been guided from time immemorial, and they would then allow the parties to proceed with their Bill absolutely, reporting the fact to the House; but where they thought that the cases of non-compliance were of a more serious character, I am of opinion that they should report the fact to the House, and leave the Standing Orders Committee to decide, as it does practically now, whether the Standing Orders should be dispensed with or not.

248. Lord *Redesdale*.] You say that Parliament has, in effect, given up its own decision to its Committees upon all these Bills?

Practically, not theoretically.

249. Has not that arisen from a want of confidence in its own capability of deciding impartially upon these matters?

Certainly.

250. From a knowledge of the manner in which all these matters were conducted formerly, when they were treated of by Parliament generally, and when canvassing

T. E. May, Esq. and Colonel W. Patten, M.P.

29th June 1858.

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T. E. May, Esq. and Colonel W. Patten, M.P.

29th June 1858.

and private interest instead of a real knowledge of the subject governed the decision?

Yes.

251. Do you believe that the House of Commons, or the House of Lords, are now less likely to be influenced in those matters than their predecessors were before the alteration took place with regard to these Committees?

I think that their position has improved in this respect, that they have given up a very active, and, I must say, mischievous interference with regard to Private Bills; they have given up the system of canvassing; and I have no reason to apprehend that if this Court were established, any alteration in that respect would ensue. I think that both Houses, having very fairly deferred to the judgment of their Committees, would continue to defer also to the judgment of this Court. Of course, however, that is a matter of experiment.

252. Has it not been practically found, in point of fact, that the only way for Parliament to proceed in these matters is by total abstinence, that if you once admit a little interference it will very soon go to the original length?

I think that various evils have been corrected from time to time, as they have arisen, and I fully anticipate that if both Houses should concur in so extensive a change as I have ventured to suggest, and if any evils should arise, such as your Lordship's questions have suggested, the Houses would find means of correcting them. I do not think that either House would again take to the system of canvassing upon Private Bills; I believe that system to be exploded, and that public opinion is decidedly adverse to it.

253. Do you not think that the result would necessarily be, either that the House must accept the decisions of the Court in the same manner as you say they accept the decisions of their Committees, and at once say, "No matter what objection is raised to the determination, we will not hear an appeal from it;" or that if they were to hear an appeal from the decision of the Court, that appeal being to the whole House, to determine whether the Bill should be read a second time or not, it would open the system of canvassing which formerly existed?

I think the objections stated in your Lordship's question are very natural, and quite likely to be stated against such a proposition as this; but still I do confidently believe that they would not be found in practice to be serious objections. Without, perhaps, attributing quite the same force to the decisions of this Court as that both Houses of Parliament now recognise in the decisions of their Committees, still if the Commissioners were competent persons, and their reports excellent, as I believe they would be, I believe that in a very short time after the first difficulties of the experiment had been overcome, the same general reliance would be placed upon the Commissioners which is now placed upon Committees. At the same time a little more supervision might properly be exercised by Parliament; for I think that now one of the evils of the system is, the too great confidence which Parliament reposes in Committees, without any ulterior supervision.

254. Duke of *Newcastle*.] You have proposed that the Chairman of the Court which you suggest should be an eminent Parliamentary barrister?

Either an eminent Parliamentary barrister, or an experienced judge from another Court, such as the judge recently appointed to the Court of Probate. That would be matter for consideration; I would take the best person that could be selected.

255. Whom would you propose for the other members of the Court?

Eminent lawyers. I would not undertake to say that they should necessarily be from the Parliamentary bar, but I think that the most learned and competent professional men should be selected.

256. Would you have any of them Members of the House of Commons?

I should have none of them Members of the House of Commons; but that, of course, would be matter for consideration. If it were thought better that there should be a Peer and one Member of the House of Commons, and one person belonging to neither House, I can see no objection to it, if such a plan were accepted by Parliament. It is not necessary according to my plan, but at the same time I think it would not be at all inconsistent with it, that one of the Court should be a Peer, and another a Member of the House of Commons. I should have it a Court constituted by Act of Parliament, and the judges appointed as I have suggested;

suggested; but still I would not have them a part of the Legislature; I would only have them constituted by Parliament.

257. In what form do you give the right of appeal from the three judges; do you give the appeal to a superior court, or do you give the appeal to the House of Commons, that appeal to be discussed upon the second reading of the Bill, and to be referred to a superior tribunal by the House of Commons, if the House of Commons thinks fit?

I think that, under certain conditions, which would be laid down by the Orders of both Houses of Parliament, the parties opposing a Bill would be entitled to an appeal. I think that it should not be at the pleasure of the House of Commons, or of the House of Lords, whether that appeal should be granted or not; but that the parties should be able absolutely to claim their right of appeal, as they now in the ordinary judicature of the country have the right of appeal, if they think fit, upon certain specified grounds. In that case, as a mere Ministerial Act, the House would refer the petition to this Court of Appeal, which Court would either be a joint Committee, or a Committee of either House of Parliament.

258. And, of course, the statement in the House that an appeal was pending to the superior tribunal, would stay the second reading?

It would.

259. Lord *Redesdale.*] If there was an absolute right of appeal, would it not, after all, lead to a double inquiry, just as much as at present before the two Houses?

I have no experience to refer to, and it is merely a question of general argument, and general opinion. My own belief is, that in proportion to the excellence of the Court, and to the wisdom of its decisions, and the confidence which Parliament and the public would repose in them, would appeals become less frequent; and I think that this Court might be constituted so as to avoid the necessity of a great number of appeals.

260. Duke of *Newcastle.*] Your theory is, that in proportion as you made the tribunal excellent, so will the number of appeals diminish?

I think so.

261. To test that, are you aware whether the number of appeals from Committees of the House of Commons to Committees of the House of Lords has increased or diminished since the quality of the Committees has been improved by the reduction of their number, and by other improvements introduced by both Houses?

No; I am not prepared with any statistics on that point; but at the same time I cannot regard the Committee of the House of Lords as a Court of Appeal. Practically it assumes that form, but in reality it is merely a double inquiry. It is an opportunity given to the parties of trying their chance a second time.

262. Lord *Wodehouse.*] What difference would there be between your Court of Appeal, as regards the point of a double inquiry, and the present system?

The great difference which appears to me to exist between the two systems is this, as I have already explained, that with regard to the present system there is necessarily a double inquiry. The Bill may not be opposed in both cases, but it is regarded as part of the system; whereas in the other case an appeal would be admitted to be an exceptional matter instead of a rule, as it is at present. There would be special grounds of objection, and the decision of the inferior Court would have to be distinctly challenged, which is not the case now.

263. If your original tribunal were of such high respectability and station as you wish to make it, would it be possible to constitute a Court of Appeal which would have greater authority with the public than that Court?

As respects the public, probably not; and I think the chances are that the original Court would be the better Court of the two, and would decide more consistently with the judgment of the public. But I think that if Parliament retains its jurisdiction, as under this system it is proposed that it should, the only Court of Appeal which could be devised would be from its own Members.

264. Would not that lead to the irresistible conclusion that there should be no Court of Appeal?

I think it would be a very strong measure to say that a Court having such

 important

T. E. May, Esq. and Colonel W. Patten, M.P.

29th June 1858.

important interests to decide, more important, I believe, than those decided by any of the Courts of Westminster Hall, so far as regards the rights of property and the interests of parties, should exist without any Court of Appeal. I think that some Court of Appeal should be established. At present this suggestion has been offered to the Committee, merely an outline of the course to be adopted. If it were further considered, it would be very important to determine upon the best form of a Court of Appeal, whether, for example, it might not have the assistance of the Judges of the Superior Courts of Law.

265. Lord *Redesdale.*] You say that you would get rid of the Committee in the Commons?

Yes.

266. You also propose to get rid in the Commons of the stage of the consideration of the Report?

Yes.

267. And to limit it to the first, second, and third readings?

Yes.

268. Would you preclude the introduction of an amendment upon the third reading?

No; at present, as your Lordship is aware, the Commons do not admit amendments upon the third reading, but they admit them upon the consideration of the Report; but as there would be no consideration of the Report in this instance, you must revert to the old practice of admitting amendments upon the third reading.

269. Do you not think that it would arise as a very common practice that amendments would be proposed and contested in the same jobbing manner in which they were formerly contested upon the third reading?

I do not think so; I think that the same plan would be pursued which is now in constant operation. These amendments are proposed now on the consideration of the Report, and sometimes the object of those amendments is distinctly to reverse the decision of the Committee; that is very often the case; but I have never known an instance in which such amendments have been allowed by the House. I think it would be advisable that the harmony between the proposed Court and Parliament should be maintained, by the agency of the Chairman of Committees in one House and the Chairman of Ways and Means in the other, who are now entrusted with the supervision of Private Bills. In each House the Chairman would look after Private Bills generally with reference to the proceedings of the Court and of the House itself, and who would guide the judgment of the House; and if he found that the object of an amendment was covertly to reverse the judgment of the Court which had been already adopted by the House on the second reading, I am satisfied that the House would not entertain it any more than they do under the present system. At the same time the proposal of amendments would give Parliament an opportunity of rectifying any errors or supplying any omissions which might have occurred in the course of the proceedings.

The Witness is directed to withdraw.

COLONEL JOHN WILSON PATTEN, a Member of the House of Commons, is examined as follows:

Col. J. W. Patten, M.P.

270. *Chairman.*] YOU have attended a great deal to the private business of the House of Commons for some time past?

I have attended to one branch of it.

271. What particular branch is that?

I am Chairman of the Standing Orders Committee, and of the Committee of Selection, which selects Committees for the investigation of different Bills.

272. You have attended to that business since 1847, when the Examiners were first appointed?

Yes.

273. Will you state to the Committee the result of your observation as to the effect which has been produced by submitting the inquiry upon Standing Orders to the Examiners instead of to the House, as formerly?

It

It has saved a great deal of trouble, and I believe a great deal of expense to the parties, and, as far as I have seen the work, has been done uncommonly well. In the Committee on Standing Orders of the House of Commons, we have much less trouble. I think that our decisions are much more uniform than they were.

274. Has the effect of having these matters submitted to the Examiners been to create a sort of code of regulations with regard to the Standing Orders which has tended to improvement?

I think that that has been the tendency. There is still some little variety in the decisions, from the circumstance that there is not always the same Committee in attendance; but I think that on the whole the decisions of the Standing Orders Committee are tolerably uniform.

275. In the House of Commons, I believe, the Examiners decide questions of opposed Bills, as well as unopposed Bills?

Yes.

276. Have you found any inconvenience resulting from that, or have you found it advantageous?

I was for some time Chairman of the Committee of Ways and Means in the House of Commons, and since then, I have had no experience at all of unopposed Bills in any way.

277. Are there any other duties which you think it would be desirable to impose upon the Examiners, such as deciding questions of *locus standi?*

I am not a very good witness upon this point, for I am at the present moment sitting as Chairman of a Committee of the House of Commons, who are investigating one part of the subject which is now submitted to your Lordships, namely, the legislation upon Railway Bills, and that matter of *locus standi* is before us under examination at this present moment. There is no doubt that very great expense and inconvenience are caused to parties by the present system. In the course of our examination yesterday, I had an instance of the enormous expense caused by the present system of going into *locus standi* before Committees; it was the case of a Railway Bill, where there were 19 counsel engaged, and 19 agents, and where there were witnesses in support of the cases of the different parties, and the Committee was engaged a day and a half in deciding the question of the *locus standi* of these different parties. The expenses, of course, your Lordships will judge of with all those parties in attendance.

278. Is there not a great amount of conflicting decision with regard to *locus standi*, from these matters being settled by different Committees selected accidentally, and differently constituted?

There are the same conflicting decisions upon questions of *locus standi* as there are upon the various Bills which come before the Committees of the House of Commons. I know nothing of your Lordships' Committees, but in the House of Commons a great defect of the present system is the variety of decisions come to by different Committees.

279. I think you have stated that the result of the appointment of Examiners to decide the questions on Standing Orders had been to produce a comparative uniformity in those decisions?

I think so.

280. Is it not your opinion that the same result with regard to *locus standi* would be produced by submitting that matter also to the Examiners?

I think that if one tribunal had to decide the principle of *locus standi*, it would be a very great public convenience. At the same time, in the examination which we are now going into in the Committee of the House of Commons, certain objections have been offered to the Examiners undertaking it which require to be considered before I would venture to give an opinion upon the point; but I do not hesitate to say that my own impression previously to this inquiry was, that the Examiners might undertake that duty with great benefit.

281. And if those objections could be removed, there would be a considerable advantage in having these matters referred to the Examiners?

I think so; I think that anything which leads to uniformity of decision is a very great object to be attained as a remedy for the present inconveniences of our system.

Col. J. W. Patten, M.P.

29th June 1853.

282. Were you present when a question was asked of the former witness, as to whether it might be desirable in the case of unopposed Bills to allow an affidavit or a certificate of the evidence taken before the Committee of one House, to be sufficient to bind the other House of Parliament, thus avoiding the necessity of going into the evidence again, and having a double procedure in the proof of such Bills, in the same way as is now done in the House of Commons in the case of Divorce and Estate Bills sent from the House of Lords?

I was. I think that it would be a public advantage to have, both in opposed and in unopposed Bills, the power of taking evidence upon affidavit; but I do not think that that should necessarily bind either House. There is an instance in the case of Divorce Bills: the Committee of the House of Commons almost invariably took the evidence which had been given in the House of Lords. At the same time our Committee insisted upon the witnesses being there in case they should choose to go into further evidence; I served for a number of years on that Committee, and it did occasionally occur to us to be obliged to ask for further evidence in a divorce case. There is no inconvenience in it, and I think that it is perhaps not necessary to make any rules which are not required by inconvenience.

283. Would it be an advantage if the second House of Parliament were enabled, if they thought fit, to accept an affidavit as evidence, not making it necessary for parties to bring forward all the proofs of their case before them; but leaving them at liberty to call for additional evidence if they thought that the circumstances of the case required it?

Decidedly so. I think that that would be a very great advantage. Your Lordships are aware that it cannot be done now, because we have not the power of taking evidence upon oath in Committees of the House of Commons.

284. What is your opinion upon the advantage of allowing the House of Commons, by Act of Parliament, to take evidence upon oath in those cases in which they might think it requisite?

I think that it would be a very great advantage. I agree in that respect with the evidence given by Mr. May. I do not see any reason why a Committee of the House of Commons might not take evidence upon oath on Committees on Private Bills.

285. And you think that there would be a public advantage in giving such a power to the House of Commons?

I think that it would enable both Houses to make that arrangement to which your Lordship has just referred.

286. I think you were also in the room when a question was asked with regard to the possibility of adding to the duties of the Inclosure Commissioners, or of having Commissioners appointed in a similar manner to conduct inquiries upon other matters of local interest, such as Gas Bills, Water Bills, and other matters of the same kind. Do you think that it might be desirable or advantageous to extend that principle to such subjects?

I cannot see any reason why it should not be. I do not see any principle involved in it. It is not only that the inclosures are submitted to a Commission; but there is the branch of legislation connected with the Health of Towns, which is also submitted to the same rule. I think that Gas Bills and Improvement Bills might with advantage be submitted to the same rule as Inclosure Bills. At the same time I have some doubts with regard to Water Bills. Water Bills are sometimes so extensive in their nature, that I am not sure that Parliament would be satisfied with the same tribunal. Your Lordship is aware of a Liverpool Water Bill which involved a radius of about 35 or 40 miles; it embraced the supply to canals, to mills, and to every kind of public undertaking; and I am not sure that Parliament, in a case so extensive as that, would be satisfied with another tribunal, unless it gave up the whole private business to such a Court as has been suggested by Mr. May. I do not think that, exceptionally, Parliament would be satisfied to give up so large a question as that.

287. Then it is your opinion, that it would not be desirable to avail yourself of his principle in matters of great and complicated interests; but that in questions of minor importance it would be productive of a great saving of expense, and would relieve parties from the necessity of coming before Parliament with their witnesses?

With

With regard to cases of great extent I would rather hesitate to give an opinion till our inquiry is concluded; but with regard to minor cases I have no hesitation in saying, that I believe that it would be very advantageous.

288. I think you also heard a question asked of the former witness as to whether it might be desirable to appoint a joint Committee of the two Houses of Parliament, who would consider the Bills brought before them, subject to an appeal to a tribunal composed in either House of Parliament of the Standing Orders Committee, or such other Committee as might be necessary. Do you think that it would be desirable to introduce any such measure?

I can only say that I see so many objections to the present system in point of expense that I would listen to anything which I thought feasible; but that is a new principle, and there are so many considerations involved in it, that I hardly feel prepared to recommend it; I think that there would be objections in your Lordships' House to many things—objections which have always been entertained by your Lordships, which I think there would be great difficulty in getting over; at the same time, I think that if it could be effected, it would be a very great advantage as compared with the present system.

289. Lord *Redesdale.*] In what do you think the advantage would consist?

In there being one tribunal instead of two.

290. Do you think that the decision of that one tribunal would be more satisfactory to the promoters or the opponents of a Bill, simply because there were two Peers upon it and three Commoners?

I think that, in the long-run, the public would be very glad to get rid of the double trial, if they could.

291. Do you think that in every case the decision would be one which would be more satisfactory to the public than one decision at the present time?

Yes; I only speak of it as a single tribunal well constituted between the two Houses; if that could be effected, I think it would give satisfaction to the public.

292. Lord *Somerhill.*] Would it be an improvement if the number were more than five?

As to the number of which the tribunal is constituted, I do not speak, but I think that a joint tribunal, if it could be established, would give at any rate more satisfaction than the present system.

293. *Chairman.*] At any rate, do you think that a large proportion of the Bills might be satisfactorily disposed of by such a tribunal, and that the parties would not think it necessary to appeal from it to either House of Parliament?

I would not go so far as that.

294. In unopposed Bills that would, of course, be the case?

I only speak of it comparatively; I think that if you had a joint tribunal, you would get rid of a great deal of the present expense.

295. Lord *Redesdale.*] Does not it, after all, come to the point, whether that tribunal is likely to give in the first instance a more satisfactory decision than the Commons' Committee at the present moment?

I think that it would give a more satisfactory decision.

296. For what reason do you think that it would give a more satisfactory decision?

I think that the radical defect of our Committees in the House of Commons is this, that the Court is constituted of judges who are constantly changing; every new Parliament you have a new set of judges, and it is impossible to obtain any uniformity of practice, or to establish rules by which you may prevent the great expense and the great trouble at present occasioned to the parties.

297. Then, is it your proposal that there should be a joint Committee which shall take all Bills?

No; I think that you would get rid of one-half of the present contests.

298. What reason have you to expect that these Committees would be more uniform in their decisions because there were two Lords, or some proportion of Lords upon them as well as Commoners?

I would say, to begin with, that I think your Lordships' Committees have a great

Col. J. W. Patten, M.P.

29th June 1858.

advantage over the Commons' Committees in the very fact that your Lordships are not re-elected; though your Committees are composed of different Peers, I believe, at different times, yet on the whole it is a repetition of the same Court which is trying the various Bills: I speak in great ignorance of the subject as regards your Lordships' Committees, but it always appears to me that that is the fact. I think that, on the whole, the decisions of your Lordships' Committees are looked upon as more uniform than the decisions in the House of Commons.

299. Do you not think that that in some degree arises from the Lords' Committee being the second tribunal?

That may possibly have something to do with it; the case has been sifted beforehand, and that, perhaps, has something to do with it; at the same time, I do think that your Lordships' Committees are looked upon as being more uniform in their decisions, and as being conducted more in the way of a court of justice than ours.

300. Does not the failure of a Committee to give satisfaction sometimes arise from an ignorance, on the part of those who have selected the Committee, of the peculiar prejudices or views of the individuals who compose that Committee?

I think so.

301. Would not that still remain if you in any way attempted to substitute one tribunal for two?

I think not. One object which I have in view in the House of Commons at this moment, individually, is to get the various subjects concentrated rather more than they are at present; I think that that is of very great consequence; we have an instance of it in our Roads Committee, which I think is a pattern Committee, as far as the House of Commons is concerned. We appoint, and have appointed for the last ten years, the same Chairmen to investigate roads. Your Lordship may recollect that in former days there was nothing more contested than a road was; I believe that for three years past there has not been a barrister within the Committee-room of the House of Commons to investigate roads; they have a uniform system, they act upon a principle, and I think that the nearer you can get to that in your Committees, the better.

302. *Chairman.*] Do the same Members always form the Roads Committee?

No; we vary the Members of the Committee, but still keep to the same Members as far as we can. As far as my memory serves me, there are about 20 Members of the House of Commons whom we generally put upon the Roads Committee; we have three Chairmen, Colonel Pennant, Mr. Battie Wrightson, and Lord Galway, and those three consult together upon the different roads that come before them, and their practice has become very uniform.

303. Have you ever considered the propriety or advantage of appointing similar Committees for other classes of Bills?

That is the object at which I wish to arrive; but there is this difficulty, that the investigation of Railways, for instance, is so laborious that we cannot get Members to take it; if Railway Bills are to be decided by Committees of the House of Commons, I think that the issue to be tried ought to be narrowed, so as to enable us to make the question smaller, and by that means the practice more uniform.

304. Lord *Redesdale.*] With regard to Turnpike Trust Bills, the questions now are so very uniform and limited in the renewals of all those Acts, that it is very easy to come to a uniform decision upon them, is it not?

I think so; but I think that your Lordship and our Committees between you, have rendered it so uniform that that is the real advantage obtained.

305. Are not many Turnpike Bills now, which are sent to Committees, simply those cases in which, from the amount of debt which the trusts have incurred, and the inability to pay it, some sweeping regulation is necessary to bring their financial position into a satisfactory state?

I can certainly speak on that point from the experience of my own county. I know that there has been great temptation on several occasions to come up to oppose the renewal of a Turnpike Bill in Parliament, but that in consequence of the certainty with which that Committee and your Lordship act upon those matters they have refrained from coming up.

306. *Chairman.*]

306. *Chairman.*] It is not the same good lottery as it used to be?
It is not the same lottery; there is not the same uncertainty; they have a better idea of what the result will be.

Col. J. W. Patten, M.P.

29th June 1858.

307. Viscount *Eversley.*] With regard to unopposed Bills, there is not much expense now in passing them?
No; the expense is very much diminished compared to what it was.

308. The Committee is formed of the Chairman of Ways and Means, and only two other Members, the name of one of whom is on the back of the Bill?
Yes.

309. And that Committee does not delay the passing of the Bill; the evidence is heard by it, and I never heard that much expense was complained of?
No.

310. Duke of *Somerset.*] Do I rightly understand you to recommend a joint Committee of the two Houses as, in your opinion, a good means of dealing with the matter?
No; I did not recommend it. I was asked whether it would be an improvement upon the present system; I say that I think it would be an improvement upon the present system in one respect, that I think there would be much less expense to the parties if there were a joint Committee of the two Houses. I do not recommend it myself; but I think that it would be an improvement, if no other greater improvement could be obtained.

311. You think that there are reasons which render such a scheme not advisable?
I will not say that, until we have gone through the investigation in which we are at present engaged; I would rather adopt that mode than leave things as they are; and I must add, that I think the objections would come from your Lordships. On that point, as your Grace is aware, it has been suggested before in the House of Lords, and the objections were taken in your Lordships' House to it, and I do not see any reason why those objections should not exist now.

312. Earl of *Powis.*] As regards the question of *locus standi*, I apprehend that the great object is to secure uniformity of decision?
Yes.

313. Do you think that that might be satisfactorily attained by referring all questions of *locus standi* to the Standing Orders Committee?
I think that the Standing Orders Committee has plenty to do; I think that a small Committee appointed each Session for that purpose might effect the object.

314. Would not a Committee of that sort secure more respect and weight than would be given to the decision of any Examiners who are merely the officers of the House?
It has been stated in our present examination, that a small Committee of the House of Commons would carry greater weight than the Examiners.

315. *Chairman.*] What has been the result of the panel of Chairmen of Railway Committees, and what have been their duties?
It was originally constituted for the purpose of establishing a uniform system with regard to Railways, and that has not altogether answered. Mr. May I think mentioned in his evidence the case of a variety of decisions during the present Session. There is an instance where one Railway was carried this Session upon the grounds on which it was rejected last Session, because it was submitted to another tribunal; and it arose from the differing views which that tribunal took from those of the one which had sat upon it before.

316. Lord *Somerhill.*] Was that case brought under the special notice of the House?
No; I brought it under the notice of the Railway Committee, of which I am Chairman at the present moment, as an instance of the want of uniformity in the present decisions. I brought before them five cases.

317. The interference of the House as a House was not invoked?

Col. J. W. Patten, M.P.

29th June 1858.

Not at all. Mr. May has referred to the case of two differing Reports upon Railways having come under the notice of the House on the same day.

318. *Chairman.*] Practically the panel of Chairmen of Railways has failed in securing that uniformity which it was hoped it would have effected?

It did at first secure a certain degree of uniformity, but during the present Session I think that it has not had that effect.

319. Lord *Redesdale*] Do you not think that the relations between Railways have altered very much since the time when that panel was first established, and that the same uniformity of decision upon mere principle is hardly to be expected?

I think so. I think that you cannot get a uniformity with regard to Railways, unless you lay down one of two principles, either that you will conduct the Railway legislation of the country upon the system of competition, or that you will conduct it upon the system of protection within certain districts.

320. Do not you think that that is precisely the principle which it is impossible now to lay down in any broad form?

I think so.

321. Do not you think that in many instances competition might be admitted in a particular district with advantage to the public, and without any real disadvantage to the Companies; whereas in another district, if competition were introduced, it would be combined with no advantage to the public, and would be injurious to the Railway Companies?

Yes; I think that that is very much the case now. I think that the further we get in the Railway system with our varying districts, the more difficult it becomes to determine any principle at all.

322. So that each case must be determined upon merits peculiar to itself?

I think so at the present time.

323. *Chairman.*] What is the course which you take in the House of Commons in appointing the Chairmen of the different Select Committees?

We generally try to get a Chairman who has had some practical experience in Committees, and a Chairman totally disinterested on the subjects which he has to investigate.

324. By whom is he chosen?

By the Committee of Selection. The Chairmen's panel in Railways is also appointed by the Committee of Selection; but the Committee of Selection have nothing to do with the Chairmen's panel from the day it is appointed.

325. The Committee of Selection select the Committee, do not they?

The Railway Committees are selected in the following way: the Chairmen's panel divide the Railway Bills into Groups, and appoint their own Chairmen, and then we in the Committee of Selection add four Members to the Chairman, having ourselves originally appointed the Chairmen's panel.

326. Is there any other suggestion which has occurred to you for improving our mode of conducting private business?

I think that if the private business is to be kept in Parliament, as it is now, a good deal more may be made of the Reports from the public officers than is the case at present. I think that there is a considerable jealousy of some of the public officers which might be got over, and that their recommendations might be more attended to.

327. You think that more weight ought to be assigned to them in the decisions of the Committees?

For instance, I think that the Board of Trade may be made more useful in ascertaining the facts connected with Bills to be investigated by Committees. There is a great deal of time wasted in Committees in proving facts which I think might very well be ascertained before the case came to the Committee, and without the expense of bringing up witnesses to London.

328. Facts are not touched upon in the Reports of the Board of Trade; they are matters of opinion?

They are not touched upon at all. I will give the Committee an instance of a Committee which has been sitting in the House of Commons, where numbers of witnesses have been brought up to prove the charges of different Railway Companies

panies proposed to be amalgamated together. I think that all Railway Companies should be obliged to furnish to the Board of Trade a list of their charges, and that it should then be the duty of the Board of Trade to furnish to Committees of the House that information; it would save a good deal of time in Committees, and a good deal of expense.

Col. J. W. Patten, M.P.

29th June 1858.

329. Earl of *Doncaster.*] Do you mean by that the maximum charges which the Companies are entitled to levy on the charges which they actually do levy?

Every Railway Company is bound by Act of Parliament to make the same charge to all parties. I think that when they alter their charges they should furnish to the Board of Trade the scale of their charges, and the Board of Trade would then be enabled to furnish those facts to any Committee who might call for them.

330. Duke of *Somerset.*] First you must ascertain the facts?

Yes.

331. Do you think that the Board of Trade would be better able to ascertain the facts than by means of the information which is now given?

I think so; I think that if it was known that there was any variety in the charges, the public would be quite ready to furnish the Board of Trade with that information.

332. Is there not great variety in the charges?

I am not personally aware of it. There is an Act of Parliament which obliges all Railway Companies to deal equally with all parties.

333. Viscount *Hutchinson.*] Are you not aware that when there are two competing routes, the Railway Companies alter their charges as often as once or twice a week?

Yes.

334. Would there not be great danger then that the information supplied by the Railway Companies to the Board of Trade, which would be the foundation of their Reports to the House, as you suggest, would be incorrect, and that those Reports would give an untrue statement of the facts?

I do not see that. I think that if all Railway Companies were obliged to report to the Board of Trade every change in their charges, that information would always be available.

335. How would you meet the case of special rates, which are very common among Railway Companies. A merchant has a large quantity of goods which he wishes to transport, say from Manchester to Liverpool; he has the choice of two or three competing routes, and he goes to one Company and says, "I will give you the goods if you will give me a special rate, 20 or 25 per cent. off your published prices?"

I do not see the object of getting that; if that is to be allowed by law, I do not see the use which could be made of that information.

336. Lord *Somerhill.*] Have you formed any opinion upon the feasibility of restricting the fees paid to counsel, or the number of counsel employed, or in some such mode diminishing the legal expenditure before Committees of Parliament?

I see the power of doing it: at the same time if you constitute a proper tribunal, I do not think it is any more necessary to interfere with the counsel whom a client should employ, than you would interfere in a court of justice. I think there is very often great abuse in allowing more counsel than one to address the Court upon the subject, but if you had a good tribunal, I do not think it would be necessary to interfere with the number of counsel.

337. Earl *Grey.*] That answer means, I suppose, that the great expenses in respect of counsel under the existing arrangement arise from the defects of the tribunal?

I think so.

338. Lord *Somerhill.*] Certain counsel can persuade the tribunal to views which other counsel cannot?

Yes.

339. *Chairman.*] When you say "a good tribunal," do you mean a tribunal within the control of Parliament, or a tribunal separate and apart from it?

Col. J. W. Patten, M.P.

29th June 1858.

Wherever it is, if you get a proper tribunal, I do not think that it is necessary to interfere with the number of counsel whom a person may see fit to employ to conduct his case. I may observe that I had the other day a conversation with a very leading barrister before Committees, and he mentioned that difficulty. I asked him whether he could help us in laying down rules for our Parliamentary Committees; he said, "It is totally impossible as they are at present constituted, but give me a well-constituted tribunal, and I will lay down rules for you which will not only save expense, but save a great deal of the waste of time which now takes place in your Committees." I have no doubt that it could be done.

340. Did he speak of an improved Parliamentary tribunal?

An improved Parliamentary tribunal; he was totally against giving up the investigation to a tribunal out of Parliament.

341. Have you found any opinion respecting any improvement which might be introduced into our Parliamentary tribunals as to the constitution of the Committees?

Only what I have stated before. I think that the great object would be to narrow the issue, to be tried in some way or other, so that you might bring a greater number of cases before the same tribunal, without the immense fatigue which it now is to Members to try them. At the present moment the duty is so laborious, that Members always try to avoid it; I think that if you could make it less laborious in the same way as we have done in the Roads Committee, you would get the Members to take a larger class of cases, thereby securing more uniformity, and giving more satisfaction.

342. Lord *Redesdale.*] Does any way strike you of doing that?

Yes; I think it might be done by adopting some of the recommendations which I heard mentioned by Mr. May; I think that there might be a system of affidavits; I think that the object might be furthered, if what I have stated before with regard to the Board of Trade was carried into effect, and if the matter of *locus standi* was sent to another tribunal. I think that you might very much narrow the issue to be tried by regulations of that sort.

343. *Chairman.*] But that would not be altering the tribunal, it would only be altering the procedure?

What I mean by altering the tribunal is, that you would get a different class of tribunals, speaking of the House of Commons.

344. Lord *Redesdale.*] You would get better men to serve?

You would get better men to serve, and to serve oftener. When a Member of the House of Commons, worth taking as Chairman of a Committee, has served once, I cannot, under any circumstances, prevail upon him to serve a second time.

345. *Chairman.*] Then what you think would be a desirable change, would be to give a greater character of permanence to the different Committees to deal with the separate classes of Bills?

I think so. In my opinion, if you could get a certain number of Members of the House of Commons to devote themselves to a particular subject (for instance, I will take as an exemplification Gas Bills or Water Bills), it would produce greater uniformity. I may mention, that as regards Gas Bills there is a great want of uniformity at the present moment. Unless they go to Lord Redesdale and Mr. Fitzroy as unopposed Bills, there is no uniformity at all in the rates. In opposed Gas Bills you will have the companies changing different rates for their gas without any reference to the price of the material from which it is manufactured, but simply according to the power which a counsel has over the Committee who are called upon to decide on the Bill.

346. Lord *Redesdale.*] Do you not think that there is some further alteration required with regard to certain points in Bills which go before opposed Committees; is it not the case that the opposed Committees only inquire into the matters which are objected to before them, and do not pay much attention to the rest of the Bill?

That is a known fact amongst the Parliamentary Agents. When I was the Chairman of Ways and Means, I knew two cases in which an opposition was got up by the promoters of the Bills to get them out of my hands; and I believe that

Mr.

Mr. Fitzroy, who conducts the matter much better than I did, and looks very closely into it, could bring to your Lordships numerous instances where the Bills have been made opposed Bills for the purpose of taking advantage of the uncertainty of the Committee.

Col. J. W. Patten, M.P.

29th June 1858.

347. And much of the irregularity of decision in Parliament, and the bad precedents which there are to be quoted for every sort of irregularity in legislation, has arisen from that fact?

I believe not only much, but almost all.

348. *Chairman.*] Would not that objection be met very much by requiring a Report from some department of the Executive Government upon every Private Bill?

I think so. I omitted to state that I think that those Reports ought also to contain a list of the variations from preceding Bills; but there would be some difficulty in that at first, from the great variety which they would have to mention.

349. In short, there should be a Report in the behalf of the public upon all Bills?

Yes.

350. Lord *Redesdale.*] Was not there a proposal made to the House of Commons in the present Session, that where the Chairman of Ways and Means referred any recommendation to a Committee which was not attended to by them, they should report their reasons for not attending to that recommendation?

I made that proposal in the House.

351. And the House would not even submit to that small restriction upon their rights?

The House would have adopted it. I moved in the House of Commons that any Committee who did not adopt the recommendation of a public body should state their reasons in the Report; and I added, any recommendation by the Chairman of Ways and Means. I was induced to strike out that portion relating to the Chairman of Ways and Means from other considerations than those which your Lordship has just mentioned.

352. Can you state the regulations of the House of Commons with regard to the time to elapse in proceeding with Private Bills from the first introduction of the petition; the number of days which must intervene between the different stages?

My memory will not serve me to state the different periods.

353. Lord *Somerhill.*] With respect to the inconvenience which you stated to arise from the negligence with which Committees attended to what appeared to them minor points in Bills before them, because they were not contested, has inconvenience practically arisen to the public from Bills having been passed with that negligence?

I speak with some doubt, but I believe that I may state an instance to your Lordship which has recently occurred in your Lordships' House. It is a case in which the subscription contract was at stake, and in the House of Commons the parties did not succeed, either from not investigating it or from some other cause, in proving that that subscription contract was of no earthly use whatever; but in your Lordships' House it was entered into, and it was proved that that subscription contract was totally worthless.

354. *Chairman.*] Do you refer to the case of the Caledonian Railway Company?

Yes.

355. Lord *Somerhill.*] Practically, the public have not experienced inconvenience from that Bill, because it did not pass. It has been supposed that an inconvenience arose from points not being attended to. I wish to know whether, with your very extensive experience, it has come to your knowledge, either from complaint from the localities, or from the necessity of bringing in Bills to amend former Acts, or in any other way, that real practical inconvenience has arisen from a want of uniformity in those minor points, or from the negligence of Committees?

No. From the experience which I have had, I should say that the proof of it lies

Col. J. W. Patten, M.P.

29th June 1858.

lies in the anxiety of parties sometimes to get out of the investigation of Lord Redesdale and Mr. Fitzroy, and to get before a contested Committee.

356. When those parties have succeeded in evading that more vigilant investigation, what harm, practically, has been proved to follow? You have mentioned that there are cases in which it is supposed that a fictitious opposition is got up for the purpose of evading that investigation?

I am bound to conclude that no person would prefer the expense of an opposed Committee to that of an unopposed Committee, unless he had some object to attain.

357. No doubt he had an object in it, but in what way was that object—an object which, while it was beneficial to him, you think was injurious to the public?

That I could not speak to, unless I knew the exact case; I only speak to the general fact that I believe such to be the practice.

358. Lord *Redesdale.*] Would it not be probable that that would militate against uniformity of decision?

Yes.

359. Viscount *Eversley.*] The Committee on opposed Bills decide the question between party and party?

Yes.

360. The Committee on unopposed Bills look especially to the public interests?

Yes. The exercise of the duties which I have to perform does not lead me to a particular knowledge; I speak more from generalities.

361. Earl *Grey.*] It is practically notorious that after a long investigation upon disputed points, when those disputed points are disposed of, the rest of the proceedings of the Committee (the Members being generally tired) are huddled up in a great hurry?

Very much so; you rely upon the contest which is going on before you to elicit the facts.

362. Earl of *Romney.*] Does it not sometimes occur that the opposition is withdrawn before the case is tried, and that no investigation takes place at all?

Yes.

363. Duke of *Newcastle.*] Would there be any objection to all Bills, whether opposed or unopposed, going before the Chairman of Committees of this House and the Chairman of Ways and Means in the House of Commons?

I believe that in fact they do so; I believe that both unopposed and opposed Bills go before the Chairman of Committees; at the same time the Chairman of Committees is actually responsible to Parliament for the unopposed Bills, and the respective Committees are responsible to Parliament for the opposed Bills.

364. Do opposed Bills go before the Chairman of Ways and Means in the Commons?

Yes. The Chairman of Ways and Means is responsible to the House of Commons for all unopposed Bills, but he gives his opinion (and his opinion has great weight with the House) if there happens to be a question with regard to opposed Bills.

365. Earl of *Romney.*] If the rule was, that the Bill going before the Chairman of Ways and Means in the House of Commons, or the Chairman of Committees in this House, should be passed by him, subject to the points upon which there was a disagreement, and that those points alone should be referred to the Committee to try the points at issue, would not that get over the difficulty?

It would if it were possible, but I do not think that that is possible.

366. If the opposition was withdrawn, and the Bill was then referred to the Chairman of Ways and Means, would not that get over the difficulty?

It would; but at the same time the great majority of contests arise where those circumstances do not occur. For instance, two great railway companies are going to fight to compete for traffic; you would never get them to listen to anything but a fight before the Committee; no preliminary inquiry would be of any use at all.

367. Lord *Redesdale.*] All the financial arrangements of a company particularly are never inquired into before an opposed Committee? *Col. J. W. Patten, M.P.*
They are not.

29th June 1858.

The Witness withdraws.

WILLIAM BLAMIRE, Esquire, is called in, and examined as follows:

368. *Chairman.*] I believe you are one of the Inclosure Commissioners? *W. Blamire, Esq.*
I have the honour to be so.

369. Have you filled that office ever since the Act came into operation?
Yes, from the year 1845.

370. Has the operation of that Act been generally successful?
So far as I know, perfectly so.

371. Is there an appeal from the decision of the Inclosure Commissioners to Parliament, or what is the course which may be taken by parties who object to the decision which is made by your Commission?
We report the case to Parliament, and then it is competent to any dissatisfied party to appeal to Parliament.

372. Are there any instances in which parties have appealed to Parliament, or have they all acquiesced in your decisions, and have Acts been passed in the nature of a General Inclosure Act?
So far they have all acquiesced; we have had nearly 800 cases without an appeal.

373. You may have heard the question asked of a former witness, whether he thought it possible for some other classes of Bills to be dealt with by Commissioners, similar to the Inclosure Commissioners, and included in a General Bill submitted to Parliament. Is it your opinion that such Bills might be submitted to the consideration of Commissioners, similar to those who are employed under the Inclosure Commission?
I think so.

374. What class of Bills do you think might fairly be taken by them?
All the simple class of cases.

375. Such as Gas Bills?
Yes.

376. Cemetery Bills?
Yes.

377. And Bills for the Improvement of Towns?
I think so.

378. You think that there would be no difficulty in having the matters which such Bills treat of, dealt with by the Commissioners and included in a General Bill?
I am not aware that there would be likely to be any difficulty.

379. Lord *Redesdale.*] That has been done with regard to the Improvement of Towns, has it not?
Yes; it was done in precisely the same way under the Commissioners of Woods and Forests.

380. And it did not give general satisfaction, did it?
It was discontinued at all events.

381. *Chairman.*] Will you explain to the Committee the course which is taken by your Commission when an inclosure is required?
Application having been made for the inclosure of a certain district, an Assistant Commissioner is sent to hold a meeting, and to hear evidence upon the spot.

382. Duke of *Somerset.*] There is first the application; from whom do you receive the application?
From one-third of the parties interested.

W. Blamire, Esq.

29th June 1858.

383. It is necessary that one-third of the parties interested should agree first of all?
Yes, that they should agree to make the application.

384. They having applied, what is next done?
They having applied, an Assistant Commissioner is sent down to hear evidence upon the spot, and to report the result to the Commissioners; then a provisional order is sent down containing the provisions which the Commissioners think right to insert; if two-thirds sign that order, then the case is ready to be reported to Parliament.

385. *Chairman.*] How do you deal with the question then; do you report all the cases to Parliament where you have come to an agreement, and include them in one General Bill?
No; we report twice a year, and have two authorising Acts.

386. In which are included all the cases?
All the cases which have come before us up to that time.

387. Will you inform the Committee what, upon the average, is the expense of these inclosures?
The expense in the whole 800 cases has been 16 *l.* 12 *s.* 6 *d.* each.

388. Duke of *Somerset.*] The average has been 16 *l.*?
Yes.

389. *Chairman.*] Does that include all the expenses incident to the inclosure, or only the expense occasioned by the proceedings of the Commissioners?
It includes all the expenses incurred up to the time of submitting the case to Parliament, in order to obtain the authority of Parliament to inclose.

390. Lord *Wodehouse.*] Are there not a great many cases where larger expenses have been incurred?
Yes; some cases cost less than the amount which I have mentioned, and some more of course, but there are no cases which cost any considerable sum.

391. Duke of *Somerset.*] What is the largest sum which you can remember?
I do not remember any case of more than 30 *l.*

392. Lord *Redesdale.*] What do you include in the cost?
The expenses of the Assistant Commissioner's attendance and the investigation.

393. But not the expenses of the parties prior to the investigation?
No.

394. Lord *Wodehouse.*] You mean the expenses paid to your office?
Exactly.

395. Duke of *Somerset.*] In these cases what limit do you make in regard to the *locus standi* of persons applying to you; for instance, if there is a common to be inclosed, and some gentleman lives near it, but has no rights of common, and says that it would be very disagreeable to him, instead of having a nice open place, to have it inclosed and cut up, would he have the power of appearing before you?
He might appear, but he would not be a party interested.

396. He would have no chance of succeeding?
I do not pretend to say that; it would depend upon the case brought forward.

397. *Chairman.*] But it would require two-thirds of the parties interested for the inclosure to be made?
Yes.

398. Is that two-thirds in number, or in value?
Two-thirds, as to the interest.

399. In value?
In value.

400. How is the lord of the manor considered?
He has an interest, of course, as lord of the manor.

401. By whom are the expenses of the Commission, which you say average 16 *l.* in each case, paid; are they paid by the parties applying for the inclosure?
Yes, by the parties themselves.

402. These inquiries are conducted upon the spot?
Yes.

403. Does the 16 *l.* include the expenses, whatever witnesses may be required, or whatever evidence may be adduced?
We have no power to call witnesses; parties voluntarily appear as witnesses, and do not receive any consideration.

404. Full notice is given, is it not, to all parties who may be interested to appear?
Yes, by advertisements, and by notices upon the church doors.

The Witness is directed to withdraw.

Ordered, That this Committee be adjourned till Thursday next, One o'clock.

Die Jovis, 1° *Julii* 1858.

LORDS PRESENT:

Duke of Somerset.	Lord Redesdale.
Earl of Doncaster.	Lord Somerhill.
Earl Stanhope.	Lord Stanley of Alderley.
Earl Graham.	Lord Belper.

THE LORD STANLEY OF ALDERLEY in the Chair.

Evidence on Proceedings in Parliament on Private Bills.

C. E. Lefroy, Esq.

1st July 1858.

CHARLES EDWARD LEFROY, Esquire, is called in, and examined as follows:

405. *Chairman.*] WHAT situation do you fill?
That of Taxing Officer to the House of Commons.

406. Are you also an examiner?
No; the offices have been separated.

407. How long have you filled the situation of taxing officer?
Since the beginning of the year 1856.

408. Will you be good enough to state to the Committee the course which you take with regard to taxing bills?
The parties wishing to have their bills taxed, either those which they claim to have paid, or those the payment of which is demanded of them, make an application to my clerk; notice is given to the opposite side, and an appointment made, and the parties come before me.

409. Upon what principle do you proceed in taxing their bills; is there any scale of charges which has been laid down which you allow, or what other course do you take?
There is a scale of charges which was allowed by the late Speaker of the House of Commons as regards the costs before the House of Commons: there is also a scale of charges which has been authorised in the House of Lords.

410. Do you tax the bills for the House of Lords as well as for the House of Commons?
By an arrangement, the taxing officer of either House carries the taxation through of a bill. We do not each tax the portion of the bill which relates to the separate House, but tax the entire bill. Virtually, the taxation which is actually done does not extend over any very large proportion of Parliamentary costs.

411. Lord *Redesdale.*] Whatever taxing is done, is done by you in almost all the Railway Bills, is it not?
I believe so. I am not aware of what taxation is done in the House of Lords, but I believe that not much is done there, if any.

412. The taxation does not extend, in fact, over the greater portion of the expenses included in an investigation before Parliament?
No; it is decidedly a small proportion.

413. You are not allowed to tax the engineer's charges?
They are never brought before the taxing officer; at least they have not been so since I have been taxing officer.

C. E. Lefroy, Esq.

1st July 1858.

414. *Chairman.*] In stating that there is a scale of charges by which you are governed, to what items does that scale apply; does it apply to Parliamentary agents and to counsel?

It applies to Parliamentary agents and solicitors for certain stages and proceedings in the Bill which take place before Parliament; all other work charged in respect of the Bill on the part of solicitors and Parliamentary agents is taxed not by a definite scale, but, as near as the taxing officer can form a judgment, on the ordinary scale of professional charge *quantum meruit*.

415. With regard to counsel's fees, is there any latitude allowed to you in passing those accounts?

Counsel's fees have not in any case been taxed by me, because there has been no case in which the amount paid to the counsel has been questioned; and if nobody raises a question as to the proper amount of counsel's fees, the taxing officer cannot form a judgment as to their propriety; he takes them as he finds them.

416. Does the taxing officer, then, consider that he is not at liberty to dispute any charge which is not disputed by the parties applying to have the bill taxed?

I did not mean to state that. The taxing officer constantly has only the party whose bill is taxed before him, and no one appears on the other side; therefore he has to exercise his own discretion in settling the amount of the charge. But with regard to the fees paid to counsel, I am not aware of any mode or principle upon which the taxing officer can tax them, at least in ordinary cases. An extreme case might arise in which he might think it necessary to exercise his discretion; but in all the cases of bills which have been brought before me for taxation, the fees paid have been undisputed on either side, and I have therefore taken them partly on that ground, and partly also from the difficulty which there is for me to form an opinion of the propriety of the amount of those fees. I have nothing to guide me.

417. But if it should appear to you that, though undisputed, the fee allowed to the counsel was excessive, would you feel yourself at liberty to disallow such a charge?

It is a fee which is already paid; therefore it is rather difficult to disallow it, unless it is an extreme case. The only case in which a question has arisen before me relating to counsel's fees, was a charity case, where four counsel were employed; and it appeared to me entirely unnecessary and improper that four should have been employed, and I refused to allow more than two; but I have never had occasion to touch the amount of counsel's fees, neither do I know how I could deal with them. The amount paid to counsel depends, of course, upon the nature of the business, upon the professional standing of the counsel, upon the difficulty in a legal or other point of view of the points submitted to them, and also upon the amount of time and attention and work; and as the solicitors or Parliamentary agents who retain counsel have no personal interest that I am aware of in giving them more than a proper fee, their judgment as to what is a proper fee ought to be, and in almost every case would be (unless there was some underhand motive, which I cannot suppose there would be the case with honourable men), better and sounder than any which I could possibly form.

418. In the charity case which you mentioned, where you thought that an excessive number of counsel had been employed, was the charge for those superabundant counsel disallowed in the bill?

It was. I should explain that it was a case in which the solicitor or agent thought it his duty, according to professional etiquette, to give a fee to the Attorney-general and to the Solicitor-general, who were unable to attend to the case; it was therefore, in his opinion, necessary to retain a Queen's counsel and a junior besides. It appeared to me, being a small charity, too hard that the charity should be charged with a fee to the Attorney-general, and a fee to the Solicitor-general, in addition to the two counsel who did the work; and I felt that I could not allow it.

419. Do you, then, think that there would be any difficulty in allowing a discretion to the taxing officer to refuse the payment of fees to counsel where more

more than a sufficient number should appear to him to have been engaged in the case?

In such a case as I have mentioned I felt no difficulty; but in the ordinary transaction of business, such as the railway business, I think that the taxing officer could form but a very imperfect judgment. The taxing officer has little means of knowing the nature of the business which he taxes.

420. Earl *Graham.*] In the case in which you disallowed the payment of the counsel, who stood the loss; was it the solicitor; he did not get the money back, I suppose?

I should apprehend so; but I do not know; it is the only instance which has occurred.

421. *Chairman.*] Is it the fact that bills are only taxed in case of parties complaining of the charges, and applying to have them taxed by the officer?

And also in the case of the party who claims payment of the bill not getting payment; it is a means to enable him to get payment of the bill.

422. Is it your opinion that it might be desirable to have a taxing officer appointed by the two Houses of Parliament, paid by a salary, whose duty it should be to tax every bill, without reference to the fact whether an application was made by the parties complaining of the charges or not?

In answer to this question I may perhaps state, that at the commencement of this year an application was made to my clerk privately by parties to know whether he would, as arbitrator, settle a bill of costs; he referred to me to know whether he could properly accept the offer or not. For a long time I had understood that a Mr. Dax was in the habit of settling the bills by arbitration; he was a volunteer taxing officer, if I may so call it, or acted in that capacity, and parties were in the habit of going to him. The amount of taxation done in proportion to the whole of the Parliamentary costs of the year is very small. I have understood that railway companies, who scarcely ever bring their bills for taxation, are in the habit of having them taxed by an officer of their own. It appeared to me therefore, considering those facts, that it might be expedient that a compulsory taxation should be established. My feeling was, that if parties resorted to irregular tribunals to settle their costs, it would be better that the public officer who exists, should have his services made available for everybody, in order to settle Parliamentary costs; and this particular application to my clerk seemed to me approaching so near to myself as taxing officer irregularly, that I thought it better to mention the matter to the Speaker. I brought before him a proposition, that taxation should be made compulsory upon all parties. As far as I can form an opinion, at present the feeling of invidiousness connected with taxation is so strong, that it checks it where it might healthily and beneficially take place, and prevents the tribunal which exists being made use of to the full extent. The Speaker desired me to put in writing my proposition, and I did so; and if your Lordships will allow me, I will refer to it; it contained the reasons which made me advance that proposition. I believe that this first memorial of suggestions which I prepared, was referred to Mr. Fitzroy and to the Speaker's counsel.

423. Earl *Stanhope.*] What is the date of them?

February 1858 was the date of the first memorial.

424. *Chairman.*] Will you read it to us?

"Suggestions for the more complete Taxation of Parliamentary Costs of obtaining or opposing Private Bills, and connected with them.—From the year 1847 to 1856, inclusive, the average number of Private Bills introduced or brought from the House of Lords was 286 a year. Assuming an average cost of 1,000*l.* for the expense of obtaining, or otherwise connected with each Bill, the average Parliamentary costs and expenses taxable under the Lords and Commons Taxation Acts will have been 286,000*l.* a year during that period." I have assumed 1,000*l.* for the costs, but it is founded upon no data. "But the average amount taxed by the House of Commons taxing officer from 1851 to 1855, inclusive, was only 30,800*l.* a year; in the House of Lords the average is supposed not to be so high. It is therefore submitted that it would be an improvement to have taxation made more extensive, and for that purpose to render

C. E. Lefroy, Esq.

1st July 1858.

render it compulsory, by which the invidiousness of referring bills would be done away. Taxation could easily be rendered compulsory by inserting in each Private Bill a provision that the taxed costs only should be paid out of the funds of the company created; as a collateral measure, it would be proper to reduce the expense of taxation as much as possible. At present 1*l.* per cent. is charged as a fee on the gross amount of the bill taxed, including in it the amount paid to the Houses of Lords and Commons for their fees, and other heavy charges which are not, in fact, taxed; also 1*l.* is charged for the application for taxation. Under a compulsory system of taxation the latter fee should be abolished, and the former should be reduced to the amount of the bill actually taxed; perhaps the parties might even be allowed, by agreement, and with the consent of the taxing officer, to withdraw also from the Bill those other payments out of pocket, which it is not usual to touch in taxation, such as printers' bills, counsel's fees, &c. &c.; but this is a question requiring further consideration. The scale of fees allowed on taxation should also be revised to a slight extent, and enlarged, to make it as explanatory and clear as possible; if this plan were adopted, the amount of fees received by the House in respect of taxation would be larger than at present. But Parliamentary suitors would be charged only upon the amount of their bills actually taxed, which would be a fairer principle than the one now in operation; and the whole amount of Parliamentary costs would be brought under beneficial supervision." The paper which I have read was referred to Mr. Fitzroy, who required me to look through the evidence given before the Committee of the House of Commons on private business, and to notice what was there stated: I accordingly prepared this second memorial on the subject: "I have looked through the evidence accompanying the Third Report of the Select Committee on Private Bills, 1847, with reference to compulsory taxation. The Committee report that they had recommended, in their Second Report, that the costs attendant upon Bills promoted or opposed by corporations and public bodies, however constituted, in trust for and on behalf of the public, should in all cases be taxed; but that sufficient reasons were offered against such compulsory taxation to induce the withdrawal of that provision from the Bill. Of the witnesses examined before the Committee, Messrs. Gregory, Barnes and Coverdale, on the part of the Incorporated Law Society, speak of the clauses relating to compulsory taxation as among the objectional part of the Bill. Mr. May scarcely sees any advantage from a general taxation of costs, but thinks it might be applied to the cases of costs incurred by corporations and public bodies. Mr. Follett suggests that you cannot pass an Act of Parliament to compel parties to litigate longer than they feel disposed to prevent a man paying a demand which he thinks just. Mr. Pritt speaks in terms of strong feeling against compulsory taxation, as regarding it unjust to the Parliamentary agents, who have not the usual protection given to other branches of the legal profession, and as a degradation to them, considering it an imputation on any professional man to suppose he has rated his own services at too high a rate. On the other hand, Mr. Ellicombe supposes it hardly possible for a taxing officer to estimate the value of Parliamentary work, and the fatigue and anxiety connected with it—a supposition which, if accepted, would be an obstacle to any taxation at all. Mr. Baxter thinks that compulsory taxation would be in many respects satisfactory, would prefer it himself, and believes that the shareholders would also prefer it. Such is the evidence given before that Committee on this question. Upon Mr. Pritt's, which is the strongest against compulsory taxation, and entitled to the utmost weight, I would make these observations: I agree that the profession of Parliamentary agent stands unprotected, with nothing but the deservedly high character and ability of its members, and the importance of the business committed to it, to fix and keep up its status as a distant branch of the legal profession. Further than this, the professional charges of the established Parliamentary agents are so carefully constructed, according to the existing scale, and in the process of taxation the taxing officer has so little to touch or criticise, that, as regards their bills, I believe compulsory taxation to be unnecessary, and if it would be any slur upon the profession, I should be very sorry to see it cast upon it. I had, however, regarded compulsory taxation as, in fact, almost a protection to Parliamentary agents (as Mr. Baxter seems to do), and a means of correcting an existing anomaly forced upon my notice. I am informed that taxation of Parliamentary bills of costs is now done for

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the great companies and public bodies (at least for railway companies), but is done by one appointed clerk or officer of their own. A reference by private agreement to Mr. Dax for taxation has been to some extent an established practice. In a late case my own clerk was sounded as to whether he would become arbitrator between parties by private agreement, and settle their costs. The question is, then, whether the fiat of an experienced public officer would not be protective of the accurate and fair bills of the established and scientific Parliamentary agents, and corrective of the anomalies of voluntary taxation above referred to, while the supervision would be extended to the bills of parties irregularly and seldom practising as Parliamentary agents, and ignorant of the proper charges to the bills of Scotch, Irish and country solicitors, who seem frequently to think a Bill in Parliament an occasion for a prolonged visit to London, to overlook the experienced aid of their Parliamentary agents, and charge extravagantly for their own services. I do not mean to imply that this is the general practice of country solicitors. The bills which come before me are without doubt exceptional, but it is on these grounds that they are too frequently extremely objectionable. If taxation were compulsory, the bills of the known and established Parliamentary petitioners would not, in fact, be taxed. (Mr. Follett says, that not one bill in 500 in the legal profession is really taxed). They would have the fiat of the taxing officer for a small fee; he would know by experience to distinguish the bills which required examination, and those only which required taxation would be taxed. Whether such an arrangement would be a degradation or a protection to the Parliamentary agent's profession; whether it is worth while to make a change in the matter, and, following the Chancery practice of ordering only the taxed costs of parties to be paid out of the fund in court, to enact that the taxed costs only of parties should be paid out of the fund under the Bill, or to adopt this principle in the case of corporations and public bodies only, I leave, without any further suggestion of my own, to the better judgment of the Speaker and Mr. Fitzroy." Those were the two papers which I prepared in the beginning of this year on the subject of compulsory taxation, at a time when it appeared to me that it would be a useful arrangement. Since that period I think my mind has undergone some change on the subject.

425. Lord *Redesdale.*] What has induced you to change your opinion upon the subject?

The excessively strong objection of the Parliamentary agents, and the fact which I state here, that the cost of Parliamentary proceedings, as far as I can form a judgment, as taxing officer, does not arise from the scale of charge of the Parliamentary agents, or the solicitors practising before Parliament, but from the nature of the tribunal, and of the business which is transacted.

426. Do not you think that many of the charges arise from exorbitant allowances to witnesses?

Those are charges hardly ever brought before the taxing officer.

427. Do you not think that those are the very charges which ought to be brought before the taxing officer as a rule?

I should have thought so, certainly.

428. *Chairman.*] Is not the fact of these excessive charges not being brought before the taxing officer a good ground for a compulsory taxation, when it would be the duty of the taxing officer to take all those matters into consideration whether they were brought before him or not?

The difficulty in regard to a compulsory taxation, as far as I can form an opinion, consists in this, that the persons who would have first to meet it, and upon whom it would first fall, are those who are most innocent in the expenses of Parliamentary proceedings, namely, the established Parliamentary agents; their charges are moderate, and are in general most strictly confined to the scale which is allowed, and they constitute the smallest portion of the whole costs.

429. Lord *Somerhill.*] Why would it fall upon them at all; if that is so, would the taxing officer diminish the charge which they make?

Certainly not; but their bills would all be made liable to taxation; if all Parliamentary costs were taxed, all their bills would be taxed.

C. E. Lefroy, Esq.

1st July 1858.

430. Although taxed, they would not be reduced in their profits?
They would not be materially reduced in general.

431. Therefore, in point of fact, they would not be injured?
Practically, it would not affect them materially. In many cases in taxation the best agents really gain a little by taxation; they are paid for attendance, and so on, and perhaps nothing is taken off their bill, or only a pound or two, and they gain a few pounds by the attendance; it therefore does not really affect them, but they feel it to be a slur upon them professionally.

432. You have mentioned that there are persons who act as taxing officers for the railway companies; what authority have they to enforce the results of their taxation?
None; it is merely an arrangement for an arbitration among themselves.

433. Lord *Belper*.] Can you explain why it is that these parties prefer having their bills taxed in this irregular way, instead of coming before the regular taxing officer?
It is from a feeling of the invidiousness of it.

434. Lord *Redesdale*.] Why should there be a greater feeling of invidiousness on the part of the Parliamentary agents than there is on the part of solicitors?
The Parliamentary agents stand rather differently from solicitors; they have no professional protection; any man may be a Parliamentary agent who enters his name in a book; they have no status.

435. Do you think that that is any reason why they should not be subject to taxation?
Nothing material would be gained with regard to the costs of Parliamentary proceedings, as far as I can see, by the taxing of the bills of Parliamentary agents. Much might be gained, perhaps, by taxing the whole quantity of bills of solicitors and others. I do not know how that would be, but the regular Parliamentary agents are the parties least requiring to have their bills taxed.

436. Do not you think that it would be invidious as regards the Parliamentary agents to say that theirs were the only charges which were not to be taxed?
Certainly.

437. Do not you think that, as regards the irregular agents, those who are not constantly practising as agents before the House, it is important that their bills should be taxed?
Their costs constitute but a small portion, I think, of the entire costs.

438. Do you think, with reference to this matter, and with regard to the regular proceedings before Parliament, that it would be desirable to constitute the Parliamentary agents in some way as a regular body of practitioners?
I do not see any advantage in it.

439. Do you not think that the business of the House would be much more expeditiously and regularly performed if every Bill was in the hands of a person who was accustomed to Parliamentary business?
The parties themselves now select an experienced Parliamentary agent generally for their own interest.

440. Earl *Stanhope*.] Is there any document which will show the amount of saving which has been practically effected, taking the charges in bills untaxed and in the same bills taxed?
There is.

441. Has that been laid before Parliament?
No; my clerk has it in my office.

442. Would you have any objection to produce it for the last four or five years?
Not the slightest, if your Lordships wish it. I can give it to your Lordships at once, to a certain extent. I have here a memorandum of the taxations in the years 1851, 1852, 1853, 1854, 1855 and 1856.

443. Will

443. Will you read the amount?
The costs deposited in each year, on the average of those years, were 30,810 *l.* The amount taxed off, on the average, from the 30,810 *l.* was 3,167 *l.* The proportion taxed off, on the average, was therefore one-tenth.

444. That is the clear saving on the average of each of the six years?
The average result of the taxation done in those six years was 10 per cent. off the bills.

445. *Chairman.*] What is the expense to the parties who apply to have their bills taxed?
They pay 1 *l.* for the application, and 1 per cent. upon the gross amount of the bill. The fee is paid upon all fees and payments out of pocket, which are included in the bill. They pay 1 per cent. upon that whole amount, not upon the net bill which is taxed; and half-a-guinea an hour is allowed to each party who attends the taxation.

446. Is the time occupied in the taxation of bills considerable?
If a bill is really taxed, it is considerable. It would take, perhaps, four hours to tax a bill of 500 *l.*; it depends entirely upon the amount of dispute.

447. Would the amount paid by parties applying to have their bills taxed be about 2 per cent. upon the gross amount of the bill, or what amount would it be?
I can hardly state that. In the small taxations, where a little is taken off, the fees on the costs of taxation too frequently exceed the amount taken off the bill, so that it operates, to a slight extent, as a discouragement.

448. Then the fact is, that the expense to which parties are put in having their bills taxed, operates as an obstacle to an application for that purpose?
I think it does, to a slight extent, in small cases; at least it is with regret now and then that I see that parties who have applied for taxation, from a desire to have the bill settled at a right amount, incur extra expense beyond what they save by the process, particularly when it happens to be a bill from Ireland or Scotland, where the parties have to come up to town.

449. Earl *Stanhope.*] Can you give us the exact details on that subject, what the expenses have been during the six years, as you have already given us the amount of the saving for the six years?
The fees in those same years charged for taxing and paid to the House of Commons averaged 341 *l.*; the costs allowed for taxing on the average amounted to 232 *l.* in each year. If you take the average of the six years, it is 30,810 *l.* a year as the costs taxed; it is 3,167 *l.* taxed off, being about one-tenth; it is 341 *l.* each year paid on the average to the House of Commons for the fees, and 232 *l.* allowed to the parties; that would not give your Lordships much guide, because it is in the small cases that the costs exceed the relief.

450. *Chairman.*] Have you any means of giving the Committee any information as to what is the average cost of an unopposed Bill?
I have not, because so small a portion of the whole costs comes to be taxed; the agents themselves could state that, of course.

451. Lord *Redesdale.*] Do you think that the scale of fees allowed to counsel in Parliament is reasonable or unreasonable?
I can form no opinion; I have never taxed them in any case, nor touched them.

452. *Chairman.*] Is it not a fact, that the scale of fees allowed to Parliamentary agents and counsel is double the ordinary scale of fees in other courts?
For certain things. In the ordinary work done, the charge for time and attending meetings and so on, is upon the ordinary scale; it may be a little higher. Letters are allowed in Parliament at 5 *s.*, instead of 3 *s.* 6 *d.*; copies at 8 *d.*, instead of 4 *d.*, I believe; drawing at 2 *s.*, instead of 1 *s.*; the fee to a solicitor for coming from the country, and spending his whole day in London, is 5 *l.* 5 *s.*, and I think the legal allowance would be 3 *l.* 3 *s.*, but I am not certain

tain upon that point. Some other charges are allowed, either double or higher than the ordinary amount; but that does not, of course, cover the great amount of the bill, which is for time and attention, and so on, which is charged in the ordinary way.

453. Lord *Redesdale.*] Do you see any reason for those higher charges before Parliament?

I cannot answer that question; I have no means of judging.

454. *Chairman.*] Is there any reason why a solicitor coming from the country should receive a double allowance if he appears before Parliament, compared with what he would have if he appeared before the Court of Queen's Bench?

It has always been allowed as exceptional work, and work which does not extend through the whole year; I know no other reason.

455. In allowing such charges, you, I suppose, allow the charges which have been allowed by prescription; there is no regular scale, is there?

When the existing scale was prepared some years ago, it was formed, as I have understood, to meet the fair charges which the established practitioners were in the habit of making, which, of course, would be derived from the principle of supply and demand in the ordinary way in which other remuneration settles itself.

456. Lord *Redesdale.*] Is the charge the same in the House of Lords and in the House of Commons?

There is no material difference.

457. *Chairman.*] Have you any other observations to make with regard to the duties of the taxing officer which you think it would be advantageous to communicate to the Committee?

I would only add, if your Lordships will allow me, that it appears to me that the cost of Parliamentary proceedings depends so very much more upon the tribunal and the other arrangements made for Parliamentary business than upon the scale of charges by the professional men, that any remedy which Parliament might seek to find for the costs of Parliamentary proceedings would be found in altering the arrangements or simplifying them for the transaction of the business, and not in dealing with the charges of professional men, which do not, in my opinion, constitute the great grievance.

458. Lord *Redesdale.*] Then am I to understand that the change of opinion which has taken place in your mind with regard to the advantage of compulsory taxation has been caused more by the indisposition which has been shown on the part of the Parliamentary agents and others to submit to it, than by any change in your mind as to the advantage which might result from it if such indisposition did not exist?

Yes; but coupled with the fact that the Parliamentary agents are the parties whose charges are the most moderate, and whose charges, therefore, in every way the least require taxation. In my memorial I have stated that compulsory taxation is unnecessary with regard to them in general, and that the other charges, such as those of witnesses, engineers and counsel, are not in any way really subjected to taxation; therefore, if taxation were rendered compulsory, and worked as it does now, it would touch the least offending parties, and the others would not be touched by it.

459. You think that if there was compulsory taxation, to obtain the greatest advantage from it, it would be desirable to bring all those other matters before the taxing officer to be considered in the taxation of the bills?

To make it fair, and full and efficient, it would be necessary so to do.

The Witness is directed to withdraw.

BARTHOLOMEW SAMUEL ROWLEY ADAM, Esquire, is called in, and examined as follows:

460. *Chairman.*] WHAT office do you hold in connexion with the House of Lords?

Principal Clerk for Private Bills.

461. Can you state to the Committee the result of the alterations which have taken place in the conduct of the private business of this House, particularly with reference to the compliance with the Standing Orders having been proved before the Examiners instead of, as was formerly the case, before a Committee of the House?

I believe that the expenses have been very much diminished; certainly the expenses of witnesses.

462. Has your attention been called to the expenses of conducting private business through Parliament, and have you any suggestions to make to the Committee for the purpose of reducing such expenses, and facilitating the transaction of private business through Parliament?

My attention has been repeatedly called to the expenses of obtaining Acts of Parliament; and in 1849 a scale of charges, so far as regarded the charges of solicitors and Parliamentary agents, was prepared. That scale of charges has been since acted upon, and is acted upon at this moment. I think that it would be an improvement in that scale of charges, which is at present limited entirely to the attornies and Parliamentary agents, if it were extended in some way or other to counsel's fees, to witnesses, to engineers, and surveyors.

463. Lord *Somerhill.*] By whom was that scale prepared?

It was prepared under the direction of Sir John Lefevre.

464. Lord *Redesdale.*] Do you think that a system of compulsory taxation would be desirable?

I have not considered the subject so widely as that.

465. Do you think that there is some unwillingness on the part of the agents to submit their bills to taxation, as appearing to be subjected to an invidious charge?

On the contrary, I believe that the Parliamentary agents (and when I say Parliamentary agents, I mean those gentlemen who have been long in practice), would not object to have their bills taxed

466. Do not you think that a compulsory system of taxation would be desirable, that the charges in the case of every Bill before Parliament should be taxed?

If such taxation included all costs, charges and expenses consequent upon preparing, bringing in, and carrying through Parliament any Private Act, it might be desirable. Parliament would then have a greater control over the cost of this branch of legislation than it has at present.

467. *Chairman.*] Are you of opinion that it would be very disagreeable to the Parliamentary agents and others to submit to such a proceeding?

I should say so far as the Parliamentary agents are concerned, certainly not.

468. When was the present table of fees settled?

In 1849.

469. Is it your opinion that those fees might advantageously be reduced, or do you think that they are not more than sufficient for the performance of the duties?

I had a great deal to do with preparing these fees. They were prepared with very great care, and I believe that there is not a fee upon this printed list which could be fairly reduced. These are fees payable to the Parliamentary agents, and to the attornies. I have nothing to do with the fees of the House.

470. Lord *Redesdale.*] Are those fees the same as are charged in the courts of law?

They are not.

471. Are they not higher in many instances?

They are very much higher.

B. S. R. Adam, Esq.

1st July 1858.

472. Do you see any reason why they should be higher?
I think there is a reason; most of the Parliamentary agents have been solicitors, and they give up their practice as solicitors for the purpose of coming here, and practising as Parliamentary agents, and I do not think that the field is so broad for them here as it would be in their own courts.

473. Is there not a higher scale allowed for the attendance of witnesses, and other parties attending—I mean other than the Parliamentary agents?
This list of charges, as regards witnesses, is deficient. We have a scale by which we regulate our charges for witnesses; it does not appear upon the list of charges, and that scale we act upon as far as we can.

474. We have had it stated in evidence before us, for instance, that there is a higher charge allowed for the attendance of a solicitor from the country or elsewhere before Parliament, than there would be if he attended before the Court of Queen's Bench?
I am not conversant with the charges in the Court of Queen's Bench; but I believe that the charges in this House are considerably higher.

475. Do you see any reason why there should be a higher charge allowed for an attendance of that sort before Parliament than before the courts of law?
No, I do not.

476. Earl *Graham.*] The same question applies to surveyors and engineers?
Precisely so.

477. Lord *Redesdale.*] Then you think that some advantage might be gained to parties applying for Bills, if there was a revision of the allowances to be paid by those parties?
I should hardly call it a revision, but an addition; because engineers, surveyors, counsel and witnesses are wholly excluded from this list of charges.

478. *Chairman.*] You think that it would be desirable to include that list of persons in the scale of charges?
I do, if it were possible to prepare such a scale.

479. Lord *Redesdale.*] Have you ever turned your attention to the fees which are paid to counsel concerned in Private Bills before Parliament?
I have.

480. Do you think that there is anything unreasonable in some of the charges which are made on that account?
We have a scale of charges in your Lordships' House applicable to counsel, and I have never been able to understand why there should be this difference between the scale adopted with respect to counsel employed at your Lordships' Bar upon appeals, and counsel employed in one of your committee-rooms.

481. There has been a scale fixed by the House for the fees of counsel attending at the Bar of the House upon appeals, has there not?
Not fixed by the House; but in 1840, when Mr. Palk, the present taxing officer, was first appointed, it was thought desirable, as we proceeded with the taxation of costs in appeals, that some scale should be prepared to regulate counsel's fees. Accordingly this scale was prepared by Mr. Palk and myself, after much communication with the agents practising here, the agents practising particularly in appeals; and although this scale is very much lower than the fees paid to counsel practising upon a Private Bill, I have never heard a complaint of it.

482. *Chairman.*] What is the difference between the charges allowed to counsel practising at the Bar of the House, and the fees allowed to counsel practising before a Committee?
The difference is this: if I retain the Attorney-general upon an appeal, I pay him a retaining fee of 2 *l.* 2 *s.*, and 5 *s.* to his clerk, making a sum of 2 *l.* 7 *s.* If I present a petition against any Bill in this House, I must retain a counsel; I pay him 5 *l.* 5 *s.*, and 10 *s.* 6 *d.* to his clerk.

483. Is there any reason why there should be that distinction between the employment of the counsel in the one place and in the other?
I have never been able to discover any reason.

484. Lord *Somerhill.*] What is the daily charge for a counsel at the Bar, and what is it before a Committee?

I must explain that to your Lordships. Upon an appeal, the brief fee to counsel covers the first day's attendance. Upon a Private Bill it does not cover the first day's attendance; but the counsel has with his brief what is called the brief fee, and when he goes before the Committee on the Bill, he has a fee of 10 *l.* 10 *s.* and 10 *s.* 6 *d.* to his clerk, called a refresher. I have never been able to understand upon what principle that is allowed. Thinking that your Lordships might ask these questions, I have brought with me a bill for the opposition to a Railway Bill in your Lordships' House, and I find these charges: "Drawing retainer, 6 *s.* 8 *d.* Attending counsel therewith, 10 *s.* Paid his fee and clerk, 5 *l.* 15 *s.* 6 *d.* Attending him to fix consultation, 10 *s.* Paid his fee and clerk, 5 *l.* 15 *s.* 6 *d.* Attending him with his brief and papers, 10 *s.* Paid his fee and clerk, 16 *l.* 10 *s.* 6 *d.* Attending him with his Committee fee, 10 *s.* Paid his fee and clerk, 11 *l.* 0 *s.* 6 *d.*"

485. That is for his first day's work?

That is for his first day's work. So that your Lordships will perceive that, according to that arrangement, no one can appear before a Committee of your Lordships' House with counsel, without paying a retainer of 5 *l.* 15 *s.* 6 *d.*, a consultation fee of 5 *l.* 15 *s.* 6 *d.*, a brief fee at the lowest sum, of 11 *l.* 0 *s.* 6 *d.*, and an attendance fee of 11 *l.* 0 *s.* 6 *d.*, making a sum of 35 *l.* 13 *s.* for one attendance before a Committee of your Lordships' House.

486. And that is whether the counsel remains in the room and gives his real attendance and labour, or whether he merely makes an attendance nominally?

I must answer that question by saying, that if the counsel appears before the Committee, that is the sum which he will demand and does receive; that is the practice.

487. But is it not the case, that a counsel may appear on the same day in three or four Committee-rooms, and of course stay a very short time in some of those rooms?

I believe that that case is very common.

488. *Chairman.*] So that a counsel might receive three times 35 *l.* for one day's work before Committees?

Just so.

489. Does it appear to you that there would be any difficulty in fixing a scale of fees for counsel appearing before Committees, in the same way as it has been fixed for counsel appearing upon appeals at the Bar of the House?

I think that there would be no difficulty, so far as regards the retaining fee and consultation fee; and that the brief fee, whatever it might be, should cover the first day's attendance; that there should be no refresher for the first day's attendance.

490. Lord *Somerhill.*] Are those refreshers the same in amount to junior and to senior counsel?

Precisely so.

491. *Chairman.*] Has any other mode occurred to you by which the expense of counsel and the abuse of the employment of counsel might be diminished, either by limiting the number of counsel who may be employed in any one case, or by any other course?

Appealing again to the practice at your Lordship's Bar, the House has for many years laid down the rule that no more than two counsel shall be heard upon an appeal. The appeal is settled and signed by two counsel, and the House refuses to hear more than two counsel.

492. Lord *Redesdale.*] Is there not a difference with regard to Private Bills, that there is only one appeal heard before the House at the same time; whereas there are a great number of Bills very frequently before the House in Committees at the same time?

There are exceptional cases, even in appeals. Where an appeal is a very heavy case, for instance, in the heavy case of Small *v.* Attwood, more than two

B. S. R. Adam, Esq.

1st July 1858.

counsel were allowed, on the ground of its being an exceptional case. I think that the same rule would apply to Private Bills.

493. Supposing there were five Committees sitting at the same time, and you only allowed two counsel to each Bill, and the promoters of several of the Bills had engaged the same two counsel, either the Committee would be at a standstill for want of one of those counsel to come before it, or the parties must be allowed to engage a third counsel?

I think the effect of that would be, that, instead of your Parliamentary Bar being, as it is now, a limited Bar, you would have more counsel, and the Committee would always secure the services of counsel.

494. Is is not now a rule pretty nearly established, that nobody can come and practise before the Committees on Private Bills unless he takes the same amount of fees as that which the other counsel have been accustomed to take?

The same amount of fees is given to every counsel, and I believe that it is now an established rule of the Parliamentary Bar that no counsel shall appear in any such Committee under a certain established fee.

495. In fact he would lose professional caste if he were to attend for the same fee for which he would attend in Westminster Hall?

There is no doubt of it.

496. Earl of *Doncaster.*] That I presume does not apply to his brief fee?

It does not.

497. *Chairman.*] That would be an addition?

It would.

498. Lord *Somerhill.*] With regard to the case of the counsel being retained on different Bills, might not the following course be adopted by the taxing master, namely, that only two counsel should be paid for any one day, although possibly three might in course of the proceedings have been retained for the Bill; and would you not thus avoid the great increase of expenditure by increasing the number of counsel?

I think that the taxing officer, unless he had the authority of some rule adopted by the House, would have very great difficulty in laying down that rule, as taxing officer.

499. I am assuming that the rules applying to the taxing officer should be laid down by the House. Do you conceive that there would be much difficulty in establishing such a rule?

No, I do not.

500. You might consult one counsel upon a Bill, and expect that he would be free when your Bill came before the Committee; another Bill might take longer than was anticipated, and if that counsel could not appear, it might be fair to substitute another in attendance, taking care, however, that in no case more than two counsel were paid for in the one day. I apprehend that, at present, more than two counsel are paid for daily attendance?

Occasionally, certainly. I think that there would be great danger in establishing a rule that two counsel, in all cases, should be allowed upon the taxation of a bill of costs. If one counsel chose, in a little matter like a petition against a Road Bill, to take the matter himself without what is called a junior, I do not think that he should be prohibited from doing so.

501. I did not intend that he should. In my question, I meant that two should be the maximum, by no means excluding the case of one counsel managing a whole Bill?

Just so.

502. *Chairman.*] Do you know when the practice first arose of allowing counsel who attend before Parliamentary Committees double fees?

I do not know, of my own knowledge, but I have always heard that Mr. Harrison, whom probably your Lordship may remember, first established the rule; it must be some years ago.

503. Do you know upon what ground that rule was established?

Not at all.

504. Previously to that time, do you understand that only the ordinary fees which were allowed in other Courts were allowed to the counsel practising before the Houses of Parliament?

I would not say that, positively; but Mr. Harrison has always had the credit of increasing counsel's fees to this extent, viz., that the brief fee does not include the first day's attendance.

505. That must have been between the years 1820 and 1830, I suppose?

No; it must have been between 1830 and 1840.

506. As late as that?

Yes.

507. Lord *Redesdale.*] That is to say, since the introduction of railways?

Since the introduction of railways.

508. Do you believe that the fees which were paid upon Private Bills before those Parliamentary contests upon railways were lower than they are at present?

I believe this; not that the fees themselves have actually been doubled, but, for instance, the practice has been introduced of the brief fee not covering the first day's attendance. I have always heard, indeed I believe that Mr. Harrison did not deny it, that he originated the refresher for the first day's attendance; in that way these things have crept on.

509. What is the dily fee for counsel attending at the Bar of the House?

Ten guineas.

510. The same as for appearing before a Committee?

Yes.

511. Then there is a double fee always taken for appearing in the House of Lords?

The daily attendance or refresher fee is 10*l.* 10*s.* to counsel, and 10*s.* 6*d.* to his clerk.

512. Both upon appeals and in Committees?

Yes.

513. That is an old established rule, is it not?

Yes, it is a very old established rule.

514. *Chairman.*] Are the fees allowed to counsel the same in the House of Lords as in the House of Commons?

Exactly.

515. Lord *Belper.*] Are you aware of the existence of any such practice as this, that when a counsel has been retained on the same day before a number of Committees, a larger fee is given to him, over and above the brief fee and the ordinary fee for attendance, in order to secure his attendance on a particular Committee?

Not of my own knowledge.

516. Lord *Redesdale.*] Supposing a counsel in an appeal case is prevented attending on any day, does he receive his fee for attendance on that day?

I should say that if I was taxing the bill, and it was brought under my notice that Mr. Rolt or any one else had not attended, from illness or any other cause, I should not allow the refresher fee.

517. Lord *Belper.*] Do you believe that that would ordinarily be brought under your notice?

If it was an adverse taxation it would be, decidedly.

518. Is it not the practice that a counsel constantly receives fees on account of a number of Committees on the same day, some of which he is not able to attend?

I cannot answer that question of my own knowledge; I have heard that such is the case.

519. Lord *Somerhill.*] I understood you to say that the scale to which you alluded had been adhered to in general?

Yes, that is with respect to appeals.

B. S. R. Adam, Esq.

1st July 1858.

520. Is that scale never deviated from?
It is never deviated from; it has been adopted now from 1840, certainly, and I have never heard it objected to.

521. *Chairman.*] Will you put in the scale of the allowances upon appeals?
It is as follows: "Fees to counsel and clerks upon appeals and writs of error, retainer, 2 *l.* 2 *s.*; clerk, 5 *s.* To settle and sign petition of appeal, 2 *l.* 2 *s.*; clerk, 5 *s.* To settle and sign case where no extra trouble imposed, 5 *l.* 5 *s.*; clerk, 10 *s.* 6 *d.* Fee on drawing according to length, &c., 10 *s.* 6 *d.* Consultation fee, 5 *l.* 5 *s.*; clerk, 10 *s.* 6 *d.* Refresher every day the cause is in hearing after the first day, 10 *l.* 10 *s.*; clerk, 10 *s.* 6 *d.*"

522. Lord *Somerhill.*] Respecting the questions which have been asked touching the commencement of these fees, does it happen to be within your knowledge when counsel were first heard before Select Committees; how long has that been the practice of the House of Lords?
I cannot speak from memory, but I have been here 26 years, and the practice has existed, certainly, during the whole of that time.

523. Lord *Redesdale.*] So far as you are able to judge, as regards the charges and the management of business by all the respectable Parliamentary agents, the charges are moderate and the management excellent?
I should say that without any exception the way in which the business is conducted by the Parliamentary agents is most creditable to themselves and with great advantage to the public.

524. Do you think that there would be any advantage if we could establish a class of persons who alone were to be allowed to practise as Parliamentary agents?
I do, and for this reason—a Parliamentary agent is useless to his employer unless he thoroughly understands the practice of Parliament; and the best way in which I can illustrate what I mean is this—if I wanted a suit in Chancery attended to, I should just as soon go to a Parliamentary agent proper to conduct that suit in Chancery, as I should to a solicitor practising in Lincoln's-inn to conduct a Bill in Parliament.

525. Have not you known instances in which parties have lost their Bills with regard to time and other matters, and as to the introduction of amendments, and those things which require Parliamentary knowledge, solely from the persons who have had charge of them being ignorant of Parliamentary practice?
I have known instances (they are not frequent) where Bills have been lost entirely from the incompetency of the person conducting them.

526. And not so much from the incompetency of the individual as a professional man, but from his ignorance of Parliamentary business?
His ignorance of Parliamentary business. There are new men, solicitors who come here and call themselves Parliamentary agents; they must necessarily go to the officers of the House for information, and I believe that every officer of the House is always very willing and very anxious to give the best information he can; but these gentlemen do not quite remember the information which s given them, and very often go wrong.

527. *Chairman.*] Are the Committee then to understand that the extravagant charges in the conduct of private business are not to be found in the charges of the Parliamentary agents, but in the expenses for counsel, surveyors, engineers and witnesses?
If your Lordships think that the counsel's fees are extravagant, I should certainly say so. I have carefully looked through the list of charges as applicable to Parliamentary agents, and I cannot conscientiously say that any one charge there is an immoderate charge.

528. Then is it your opinion that it would be advantageous to the public to bring more directly under the taxing officer those charges which I have mentioned, namely, for counsel, surveyors, engineers and witnesses?
Decidedly so.

529. And in your opinion there is no objection to making that taxation compulsory upon every party coming before Parliament?
I know of no objection.

530. Does anything else occur to you which you can communicate to the Committee with regard to any improvement which might be introduced in the mode of conducting private business, so far as it comes under your observation?

I ought to say that, in addition to the persons whom your Lordship has just enumerated, namely, counsel, engineers and surveyors, I would add to this list of charges a schedule relating solely to witnesses.

531. Do you mean as to the allowances?

As to their expenses and compensation for loss of time.

532. Have you any suggestion to make by which the great expense arising from delay in the case being brought forward might be removed?

Alluding again to new agents, I believe that very considerable expense is incurred, and unnecessarily incurred in this way. A new agent knowing nothing of the practice of Parliament, will come down and have his Bill put down for Standing Orders Committee on a Monday or on a Thursday. Now if he means to get his Bill through, he must bring his witnesses to town on the Friday, to be sworn, to give evidence on the Committee on the Monday, and on the Tuesday to be sworn, to give evidence on the Thursday.

533. Lord *Redesdale.*] Surely you are wrong there, when the House is sitting on appeals?

I was going to give that exception; unless, fortunately for him, the House should be sitting on appeals, he must do that; if the House happens to be sitting on appeals there is no necessity for it; but an incompetent agent does not stay to inquire whether the House will sit upon appeals, but he brings up his witnesses on the Friday or on the Tuesday, to be sworn.

534. *Chairman.*] Do you think that any great advantage would result in the conduct of private business if an arrangement was to be made with the House of Commons, by which they would waive their privilege, and allow Bills to be brought in in the first instance in the House of Lords?

I do; I believe that that would be one of the greatest improvements which we could have; it would spread the work over a longer period, and the work in that way, I think, would be better and more economically done. The evil has, however, been greatly lessened since making the Sessional Order which limits the time for the second reading of Private Bills in this House; they are now brought up at a much earlier period, and if the order be strictly adhered to, still greater improvement will be effected.

535. Do you think that generally, in the conduct of the private business of this House, great advantage would be obtained, not only in expediting the business, but in other matters, if the House of Commons were to waive their privilege, and allow those matters upon which they now claim a privilege, to be tried in the House of Lords in the first instance?

I do.

536. Have you any means of being able to inform the Committee what is the average cost of an unopposed Bill?

I have ascertained from some of the principal agents in 63 Railway Bills, heavy and light, the average charges of the Parliamentary agent to be 230 *l.*

537. What does that include?

That includes only the Parliamentary agent's charges.

538. And the fees of the House?

Not the fees of the House.

539. It would not include counsel or witnesses?

Neither counsel nor witnesses.

540. In the case of a common unopposed Bill, say an Estate Bill, what would be the average charges?

In an Estate Bill, taking the Parliamentary agent's charges only, I should say that 150 *l.* would be the maximum.

541. Does that include all the expenses consequent upon an Estate Bill?

No; that includes only the Parliamentary agent's charges; that is, exclusive of witnesses and the charges of the country solicitor; the family solicitor.

 542. Would

B. S. R. Adam, Esq.

1st July 1858.

542. Would it not be fair to consider as part of the Parliamentary charges, the additional fees paid to the agent and solicitor, and to all parties concerned in conducting the Bill through Parliament?
Estate Bills vary very much; I should say that you would scarcely find two Estate Bills where the costs were of anything like the same amount.

543. Lord *Somerhill.*] Even where both were unopposed?
Even where both were unopposed.

544. Lord *Redesdale.*] Estate Bills are rarely opposed?
Rarely opposed.

545. *Chairman.*] Can you give us the charges upon the Estate Bills, say for last year?
I cannot.

546. Lord *Somerhill.*] Does the diversity of cost to which you have referred arise from proceedings in Parliament, or from any proceedings out of Parliament, which the different nature of the estates may require?
It arises from the latter circumstance. The great bulk of the charges of an Estate Bill are incurred by the family solicitor, not only in carrying the Bill through Parliament, but in preparing to bring the Bill into Parliament.

547. When the Bill is in Parliament, it being an unopposed Bill, are the same fees paid to the House, and the same fees for the attendance of the Parliamentary agent, and for all other purposes, without reference to the length of the Bill, or the nature of it?
All the attendances are the same. The charges vary according to the length of the Bill, in drawing the Bill, in copies, in the printer's account, and so on.

548. *Chairman.*] What would be the difference of expense between having to come to Parliament to obtain an Act, and going to any ordinary tribunal for that purpose?
I have no means of answering that question.

549. Earl of *Doncaster.*] What is the cost of an ordinary unopposed Turnpike Bill?
I should say that the average cost of an unopposed Turnpike Bill would vary from 250*l.* to 300*l.*, 300*l.* being quite the maximum.

550. *Chairman.*] Do you mean for the Parliamentary agent's charges alone?
I mean the entire cost, including everything.

551. Lord *Redesdale.*] House fees, and every thing?
Yes.

552. Earl of *Doncaster.*] What is the amount of the actual fees to the House?
They vary very much.

553. *Chairman.*] Why do the fees vary upon different Bills?
I do not estimate the fees upon Bills. Sir John Lefevre does that.

The Witness is directed to withdraw.

George Pritt, Esq.

GEORGE PRITT, Esquire, is called in, and examined as follows:

554. *Chairman.*] YOU have been employed as a Parliamentary agent?
I have, for a great many years.

555, How long have you been so employed?
The first Session that I was engaged in Parliamentary business was in 1831; I was a pupil for two years; since 1833, I have been practising on my own account.

556. Will you state to the Committee the result of the alteration which was made in 1847, in referring the proof of compliance with the Standing Orders to the Examiners, instead of to a Committee, as before?
My opinion is, that it was an exceedingly great improvement; that the result was not only to save Members of the House of Commons a vast amount of labour,

labour, but also, so far as the practice was concerned, to get more uniform in decisions, and I think that the business was and is more rapidly and more satisfactorily done.

557. Do you think that it would be desirable to assimilate the practice of the House of Lords to that of the House of Commons, and to refer all matters with regard to the Standing Orders to the Examiners, as is done by the House of Commons, and not only on unopposed Bills?

At present that is the case to a certain extent, as the noble Lord is aware; the Examiners of the House of Commons now inquire into the compliance with the Standing Orders of both Houses, and make a report to both Houses.

558. Do you think that it would be desirable to extend that system?

With a view to the saving of expense, probably it might be done, and there might be an assimilation of this sort, namely, to make the Examiner the judge of the fact, which is all that the Examiner does for the House of Commons, retaining still the Standing Orders Committee of the House of Lords to decide as to the question of the suspension of the Standing Orders, or the enforcement of the Standing Orders.

559. In point of fact, is not the course now taken before the House of Commons?

It is.

560. But in the House of Lords is it not open to parties to present a petition at a subsequent stage, complaining of the non-observance of the Standing Orders after the Bill has passed through the House of Commons, and when the promoters appear before the House of Lords?

No doubt that is so.

561. Do you think that it would be desirable to prevent anybody prosecuting that course by having the whole question of the Standing Orders settled in an earlier stage, at the same time as it is settled by the House of Commons?

I am not quite sure whether I have followed your Lordships' question: I do not think that any great advantage would be attained by making the Examiners judges of fact in the House of Lords as they are in the House of Commons, unless the decision of the House of Lords as to suspending the Standing Orders or otherwise were taken at an earlier stage than at present. What I mean is this, that to find the fact by the Examiner in the House of Commons, and then to let the Bill proceed as at present to the House of Lords, and the parties appear in the ordinary course before the Standing Orders Committee before they knew whether they could have relief or not, would not be attaining any great point. I think that if the House of Lords would take cognizance of the finding of the Examiner immediately after that finding, as in the House of Commons, it would in some cases save the loss of the Bill upon Standing Orders after incurring the expense of going through one House.

562. Then you think it desirable that if the Examiner found that the Standing Orders had been complied with, there should be a reference at that period to the Standing Orders Committee of the House of Lords, who should then give their opinion as to whether they should be relaxed or not?

Yes; I am inclined to think that that would be an improvement.

563. Can you give the Committee any information with regard to the expenses of Private Bills; can you state, for instance, the average expense of conducting an unopposed Bill through Parliament?

I can do so to some extent. Since I received a note, intimating that I should be called here, I have had one or two inquiries made. I have not been able to carry the investigation very far back. I may mention, that in the last three years, 1857, 1856, and 1855, in my own department of my firm (I have not gone out of my own department), I passed 17 Bills, which were unopposed Bills of all classes, Railway Bills and others. I find that the average cost per Bill for my own professional charges was 139 *l.* 1 *s.* 11 *d.*; that the average of the fees, exclusive of the charge of the printer for printing the Bill, was 282 *l.* 4 *s.* 6 *d.*

564. Does that include counsel's fees?

No; these were unopposed Bills, without any counsel's fees. The total cost of payments made by me, including the printer's charge for printing the Bill, money out of pocket, was for each Bill, 335 *l.* 13 *s.* 10 *d.*

 565. Then

George Pritt, Esq.
1st July 1858.

565. Then you have to add the 139 *l.* to that amount?
Yes; making 474 *l.* odd.

566. Then 474 *l.* has been the average charge of the 17 unopposed Bills?
Yes.

567. What has been the smallest charge for any one of those Bills, and what the greatest?
The smallest was 334 *l.* 9 *s.* 6 *d.*

568. Earl *Stanhope.*] What class of Bill was that?
It was a Bill for enabling parties having wharves on the Banks of the Thames to obtain Customs privileges, the privileges of bonding goods there.

569. *Chairman.*] Is that about the lowest amount at which any party could prosecute an unopposed Bill through Parliament?
No, I should say not so, because there would be some cases of Bills which would pay what we call a single fee.

570. What class of Bills are those?
Bills for the benefit of one individual.

571. Such as a Name Bill?
A Name Bill, or a Bill of that sort.

572. £. 334 is about the lowest rate at which a Bill can ordinarily be got through Parliament?
Yes, I think so. I find that in that case my charges were just 100 *l.*, the printer's accounts, 33 *l.*, and the fees to the two Houses, 201 *l.* 9 *s.* 6 *d.*

573. What are those fees?
In the House of Commons there is a fee of 5 *l* upon the presentation of the petition, and there is a fee of 15 *l.* upon the first and second readings, Report, and the third reading respectively, making 65 *l.*; those are what we call House fees. In addition to those, there are the Committee fees, and a variety of matters of that kind, of which I could give your Lordships no very precise account; indeed I do not very much look into the matter of fees myself.

574. What is the difference between the fees of the two Houses?
The fees of the Lords, I think, upon the whole, are rather lower than the fees of the Commons. Your Lordship is aware that within the last two or three years the system of charging fees in the House of Lords underwent revision, and they are now charged upon a principle, which has also been recently adopted in the Commons, of an *ad valorem* fee, which is a very great improvement.

575. Do you think that these fees are excessive, and that they could be advantageously reduced or otherwise?
That is a question upon which I think I am hardly competent to express an opinion.

576. What was the highest cost of the 17 unopposed Bills?
£. 805. 10 *s.* 4 *d.*

577. Earl *Stanhope.*] What class of Bill was that?
It was a Railway Bill, for enabling a company to raise a considerable sum of additional capital. That amount of 805 *l.* is divided into professional charges, 115 *l.* 2 *s.* 10 *d.*; printer's charges, 31 *l.* 7 *s.* 6 *d.*; and fees to the two Houses, 659 *l.* That was a case where the money to be raised being a large amount, the *ad valorem* system caused the fees to be so great. When I gave your Lordships the fees in the House of Commons of 15 *l.* upon each stage, that was in the case of a Bill with a single fee only, where the amount of money to be expended did not exceed 50,000 *l.*; if it exceeds 50,000 *l.* the fees are double; exceeding 100,000 *l.*, I think there are three fees; and so it goes on in a scale, the precise amount of which I do not recollect, but which your Lordships would find in the Standing Orders of the House of Commons.

578. *Chairman.*] Can you give the Committee the charges upon the opposed Bills in which you have been concerned?
I can only do it with respect to Railway Bills; I have had extracted an account of the total number of Railway Bills which I have passed myself, from

1852 to 1857, inclusive. I find that the average cost, taking opposed Bills and unopposed Bills together, is as follows——

579. Cannot you separate them?

I could only supply that to the Committee afterwards; it would take me some time to extract the amount; I can give the aggregate. Out of the 72 Bills which I have here, there were only 14, I think, unopposed. The average cost per Bill, including the same items as I have before given your Lordships, namely, professional charges, printer's charges, and the House fees, is 750 *l.* 16 *s.* 5 *d.*; thus divided: Professional charges, 232 *l.* 2 *s.* 4 *d.*; payments, 518 *l.* 14 *s.* 1 *d.* Fifteen of the above were unopposed, the average cost being 446 *l.* 17 *s.* 4 *d.*; that is, professional charges, 131 *l.* 18 *s.* 6 *d.*, payments, 314 *l.* 18 *s.* 10 *d.* The remaining 57 were opposed; the average cost, 830 *l.* 16 *s.* 2 *d.*; that is, professional charges, 258 *l.* 9 *s.* 8 *d.*, payments, 572 *l.* 6 *s.* 6 *d.*

580. That would not include the expense of engineers, and witnesses, and so on?

Not at all; with those charges we have nothing to do.

581. You are merely speaking as to the Parliamentary agents' expenses?

Yes; the amount includes fees to Parliament and printer's and professional charges.

582. Lord *Somerhill.*] Fees to counsel?

No, we do not pay fees to counsel.

583. *Chairman.*] Does the solicitor for the Bill pay those fees?

Yes; it is not once in 100 cases that the counsel's fees would pass through our hands.

584. Is not the Parliamentary agent cognizant of the fees paid to counsel?

Not always.

585. Lord *Somerhill.*] Do you instruct the country solicitor what is the right fee to be given, or does he know it as part of his own duty?

The daily fees are fixed, and therefore an instruction there would be unnecessary. With regard to the fee marked upon the brief, I should advise him, if I were consulted as to what fee should be given, which is very often the case with country solicitors.

586. That would be with reference to the standing of the different Parliamentary counsel?

Yes, and the weight of the case, the bulk of papers to be perused, and a variety of matters of that description.

587. *Chairman.*] Do you mean that the employment of counsel, as to the number of the counsel, and the individuals who are employed, is left entirely to the country solicitor, and is not advised by the Parliamentary agent?

I should put it in this way: the Parliamentary agent does not assume to himself any direction whatever with regard to the employment of counsel, or the number of counsel; he is always ready and willing to confer with his solicitor, and to give the best advice he can, both as to who shall be retained, and as to the number to be retained; but that is not always done, indeed it is very frequently not done. I have been in a case, and have been going into Committee without knowing who my counsel were; such a thing has happened—not frequently, of course.

588. Are counsel more often engaged by country solicitors with reference to local circumstances and local views, as well as with reference to the efficiency of the counsel?

No; I should think not. If that happens, I should think that it is an exception to the rule. The counsel employed are generally either those who are most experienced, and, therefore, whose services are the most valuable; or those who, if it be a light case, where the parties cannot afford to pay a number of counsel, are least occupied, and are most able to give all but continuous service during the sitting of the Committee. I do not think that local information and circumstances, excepting in a few rare cases, would have weight in the nomination or appointment of counsel.

George Pritt, Esq.

1st July 1858.

589. Have you ever known instances where counsel have been employed from their connection with influential directors or other influential parties concerned in the Bill?

Very rarely indeed; I was going to state that I did not know of it, but one or two cases have just passed through my mind where I believe that that was the case. I have known, on the contrary, frequent applications made; I have had applications made to myself frequently to give a brief to young Mr. A. or young Mr. B.; my answer has always been, and I believe it has also been generally the answer,—No, we must have a gentleman whom we can recommend as competent; Mr. A. may be a very able man, but he has had no experience in this business; it is a peculiar class of business, and the case cannot be entrusted to him.

590. Then, practically, in most cases the selection of the counsel depends upon the advice of the Parliamentary agent?

When that advice is sought; but that is not always the case.

591. Can you recollect when the present system of allowing double fees to counsel commenced?

In what respect does your Lordship mean double fees?

592. Double fees over what counsel receive in the ordinary courts, which, we are informed, is the practice with Parliamentary counsel?

I cannot say when it commenced; it must have existed long before the time when I came into practice as a Parliamentary agent. Certainly, in 1831, the fee system to counsel was ten guineas a day for every day that the Committee sat. Although I have not practised myself so long, I was connected with Parliament in 1825, my father having been the solicitor for the original Liverpool and Manchester Railway Bill; although I was then a youngster, I have a sufficient recollection to know what was going on in some things at that time, and I know that that was the scale then.

593. Has there been any alteration in the fees allowed to counsel since that time, either in the shape of consultation fees or refreshers?

There has been no alteration as to the amount of the daily fee. The amount of the brief fee to counsel no doubt varies materially according to the amount of business to be done, the heaviness of the Session, and so on. In a light Session, when counsel are less occupied, the fee would be lighter, because there is a greater prospect of counsel being disengaged. When I first came into the profession, as far as my memory serves me, the practice was, that the first day's attendance was covered by the brief fee; when the change in that respect took place, I cannot inform your Lordships.

594. That is not the case at the present time?

No; the brief fee is not considered to cover the first day's attendance,

595. So that the charge for the first day is an addition to the brief fee?

Yes.

596. Is that a practice of comparatively recent origin?

"Recent" is a comparative term.

597. It has been originated since you commenced business?

Yes; within that period no doubt that change has taken place.

598. Earl *Stanhope.*] And the change applies to all cases; the brief fee never covers the first day's attendance?

It never covers the first day's attendance.

599. Lord *Somerhill.*] Do you happen to be aware when the practice originated of employing counsel before Committees of the House of Lords; I apprehend that it must have been of a very much more modern date than the practice of counsel appearing at the Bar of the House of Lords?

I do not know when it commenced.

600. *Chairman.*] What is the allowance for a consultation fee to counsel?

Five guineas.

601. Is that a novel charge, or has it always existed?

It has always existed.

602. Has no other change taken place in the allowances to counsel since the time

time when you commenced business, besides that of the brief fee not including the first day's charge?

No, I think not.

603. Are the double fees allowed to all counsel, whether eminent or whether comparatively insignificant?

The only difference as respects counsel of any degree of eminence is in the amount of the fee marked upon the brief; all the other fees are the same.

604. Do you think that there is any reason why these additional fees should be given to counsel practising at the Parliamentary Bar as compared with the fees given to counsel practising before the ordinary courts of the country?

I apprehend that the origin of the distinction made in the fee was the fact that counsel were taken from their own courts and brought into a court of a different character, in which they were not ordinarily practising. To some extent that ground has probably now been removed by the Parliamentary Bar being more a peculiar Bar of itself than it was in the earlier days; but I think that there is still a reason why the fees in Parliament should be of a higher class than the fees which are given in the courts, from the fact that Parliament is sitting only for comparatively a small period of the year; that if a counsel leaves his own court for the purpose of confining himself to the Parliamentary Bar, there is only a small period of the year during which he can make an income; whereas his brethren in the other courts have the whole time that the courts are sitting for the purpose of obtaining their remuneration, which is very much longer than the time that Parliament is sitting.

605. Lord *Somerhill.*] At other periods of the year when Parliament is not sitting have you often occasion to consult Parliamentary counsel with respect to projected Bills for the coming Session?

Very rarely.

606. Is it within your knowledge, that a large quantity has been given to counsel for extraordinary exertions in the successful conduct of a disputed Bill when the Bill has passed?

No.

607. Lord *Redesdale.*] That would not come under your charge?

No.

608. Lord *Belper.*] Is it the practice, when a counsel is retained upon several Committees sitting on the same day, and he is only able to attend one, to pay him the fee upon all those Committees?

Certainly.

609. *Chairman.*] Do you think that it would be desirable to establish any restriction as to the number of counsel who are employed in any case, or as to the payment of counsel who do not attend, and to allow payment only where they do attend?

That is a very wide question, and is one so much touching what I may call the etiquette of the Bar, that it is very difficult for me to answer the question.

610. I ask you as a Parliamentary agent, whether, if that were to be decided upon, any inconvenience would result from it?

I do not think it a thing which would be practicable. With great deference to your Lordships, I do not think that the thing would be capable of being carried into effect; it would of necessity be almost evaded, as for instance, take such heavy cases as are frequently before Parliament, and as there have been in the present Session. Take the case of the great dispute between the Great Northern and the London and North Western Railway Companies; it was quite clear that in that case each party was desirous to have the very best professional service which could be obtained; and the leading counsel in Parliament were engaged in that case. Unless a fee had been paid to those leading counsel of such an amount as it would be perfectly ridiculous to assume, you could not have secured the constant attention *de die in diem* of leading counsel. If you limit the number, what will be the results? Supposing the number to be limited to two, you must then find some counsel who will undertake to be present *de die in diem*, and you cannot get that without taking men of comparative inexperience in Parliamentary matters. The result, I think, would be, that

George Pritt, Esq.

1st July 1858.

such a rule would be evaded by more counsel being employed than the rule prescribed, or that a large increase of expense must be incurred in order to secure the constant attendance of some competent counsel, or that the case would be inefficiently conducted by having some gentlemen of less experience than those who would otherwise be engaged to conduct the particular case before the Committee.

611. Lord *Somerhill.*] How could it be more expensive, because in no case could it be desirable to retain more counsel than were present?

I think that the expense would be greater in this way, that the fee which would have to be given upon the brief, to secure the attendance of one or both of the two men of experience whom I am supposing to be retained, would be so large as to be equivalent to the fees which would be paid to a greater number of counsel, divided among themselves.

612. When one party had paid that fee to secure the attendance of one eminent counsel, such an expense would not be incurred by any other party?

There is more than one counsel of great eminence at the Parliamentary Bar.

613. Suppose there are half-a-dozen eminent counsel, when those half-a-dozen were once secured, the next would not get similar fees?

If you limit the number of counsel, it is essential that some arrangement should be made by which some one counsel should be constantly present. If you secure a man of experience at the Bar, and who is able to take, and does take, more than a single case in the course of the day, you must pay a fee which will be equivalent to what he will lose by declining to take any other business, and confining himself to that particular case.

614. Lord *Belper.*] Are you of opinion that it would involve a new arrangement of the Parliamentary business, in order to secure the attendance of Parliamentary counsel?

I think so.

615. Lord *Somerhill.*] Would not the consequence of such a regulation be, that it would introduce a larger number of learned gentlemen to the Parliamentary Bar who would very soon be of experience sufficient to conduct these Bills, because, in point of fact, although the procedure is not strictly regulated by rule, and is very far from uniform, it is not very difficult to obtain a sufficient share of Parliamentary experience to conduct a Bill?

I have no doubt myself that there are many gentlemen at the Bar who are fully competent to conduct business in Parliament; the difficulty is to know who shall be the first to run the risk of taking an untried man in Parliament.

616. *Chairman.*] Is it not the fact that whereas formerly there were not above four or five barristers who practised before Parliament, there is now a large Parliamentary Bar, which takes no other business but the business before Parliament?

With correction, I should agree to a certain extent with your Lordship; I do not think that there is a very large Parliamentary Bar who take no other business; there are a larger number of gentlemen who take Parliamentary practice than there formerly were; but a great number of those who take Parliamentary practice, and of those who take a considerable amount of that practice, still retain their practice in the other Courts.

617. Lord *Belper.*] Is it not the fact, that the leaders confine themselves to Parliamentary practice, but that the juniors practise in the other Courts?

The principal leaders no doubt confine themselves to the Parliamentary business: there are three or four counsel at the Parliamentary Bar, or perhaps five or six might be mentioned, who confine themselves exclusively to the Parliamentary Bar; I think that I am within the limit when I say that beyond that, other members of the Bar who practise in Parliament do retain also either their circuit or their practice in the other Courts, whether Chancery or Common Law.

618. Lord *Somerhill.*] Practically, the Parliamentary Bar has very much increased within your recollection?

No doubt it has.

619. Do you see any reason why it should not increase in a greater ratio, if there were a field for it, in the same number of years to come?

I believe that there is intellect and ability at the Bar sufficient to enlarge the Parliamentary Bar very much; and I believe that if ever such a period were to arrive again as 1846, you would have a large increase of the Parliamentary Bar, because there would then be an absolute necessity for taking untried men, and somebody or other must incur the risk of taking in those untried men; but so long as there is a Bar which practically gets through the work, it is very rarely that new men are introduced, from the fear that they may not be the competent men which their friends suppose them to be, and that they probably will not do for the business.

620. Do they not many of them come in as juniors and attend Committees for some years with very little practice, and get into the business by degrees?

No doubt that is the means by which most of the gentlemen now practising at the Parliamentary Bar have risen, some to their present eminence, and others are rising to it.

621. Many who are now juniors are continued as juniors, partly by the monopoly of the more leading and abler counsel, but who, although they are juniors, are in point of experience fully able to conduct cases, though, perhaps, they are not equal in ability in arguing them as they would be argued by the leading counsel?

No doubt there are gentlemen practising at the Parliamentary Bar who are very well qualified to act as leaders, and who do occasionally act as leaders. There is no rule of the Parliamentary Bar that a silk-gownsman shall have a stuff-gownsman with him, which is the rule of the other Courts.

622. Lord *Redesdale.*] Do any counsel attend before Parliament without being engaged, simply to hear the cases, and to obtain knowledge on the subject?

Not I think regularly; during the time that the Courts are sitting we very often see gentlemen in their wigs and gowns standing in the Committee-room, apparently more from curiosity than from a desire to learn.

623. Lord *Somerhill.*] For information?

For many reasons which of course we cannot speculate upon.

624. Duke of *Somerset.*] Do you think that it would be just for Parliament to interfere and say, for instance, to a railway company, that they should not get the best counsel they could?

I think not.

625. If counsel were limited to such cases as they could appear in, would not the result necessarily be that railway companies would not be able to have the advice of the best counsel whom they could get?

I think not only railway companies, but also other parties promoting Bills before Parliament, if they were to be limited to taking in those counsel who could attend and would attend *de die in diem*, would be precluded by that rule from taking the most leading men; because I do not think that those leading men could consent, or could in justice be asked to consent to take only a single case, or if they did they would have a much larger fee.

626. The railway company would naturally get the best counsel they could. An individual opposing the Bill might only have a certain point to contest, but he would be anxious to have it well defended, and he would have to pay an enormous sum to secure the constant attendance of counsel, though the point which he might have to argue would occupy a very short time?

If the result should be such as I venture to think it would be, namely, that you could only secure the services of the most eminent men by paying a very large fee, no doubt the conclusion to which your Lordship has pointed would arise.

627. Lord *Somerhill.*] Although the number of counsel to appear before the Committee might be limited, such a limitation would by no means affect the number of counsel who might be consulted out of the Committee-room upon the conduct of the Bill?

George Pritt, Esq.
1st July 1858.

No; but the difficulty is not so much the advice out of the room as it is the conduct of the case before the Committee.

628. Are not consultations of great importance?
Consultations frequently are of very great importance, unquestionably; they are, however, occasionally of less value.

629. If a more uniform system of practice were arrived at by the Committees, those consultations would increase in their importance, and experienced counsel would be able to foresee the result of an application or of an argument with pretty considerable certainty?
No doubt everything which would tend to uniformity of decision by a tribunal must be beneficial to the suitors before it, because you remove uncertainty, and you make the matter to be considered and decided upon by that tribunal come comparatively within the bounds of clear anticipation.

630. *Chairman.*] Do you think that any other practice could be adopted with regard to the remuneration of counsel which would considerably reduce the expense?
Not, I think, which would reduce considerably the expense in an ordinary case; that is, in the case, say, of a railway company promoting a Bill in Parliament, I doubt whether any system could be adopted which would materially reduce it. I think there are cases in which one would be glad to see some change take place, if possible, by which the services of a counsel for a petitioner against a Bill, for instance, might be retained at smaller cost than is inevitable under the present system.

631. What change do you think might be adopted for the purpose of attaining that object?
I do not know that a change can be adopted excepting by the concurrence of the Bar, it being entirely a Bar regulation. The fee to counsel is an honorary fee; it is so considered; a counsel is not able to recover his fee by action, or in any other way; and it strikes me that it would be a matter for the Bar themselves to consider, rather than that those who do not belong to that profession should express an opinion upon it. The difficulty which one feels is this, that in the case of an opposition to a Bill, you cannot have the services of counsel under 30 guineas, and that, no doubt, is sometimes a very heavy tax upon a petitioner having a single point to discuss. If any arrangement could be made in that respect, I think it would be a boon.

632. Lord *Redesdale.*] Part of that 30 guineas is an addition which has taken place within your experience?
Yes; it consists of the retaining fee, 5 guineas; the consultation fee, 5 guineas; the brief fee, taking it at the lowest amount, 10 guineas; and the first day's attendance, 10 guineas.

633. *Chairman.*] It appears to you that the charge of 30 guineas for the attendance of a counsel for one day may be more than an adequate remuneration for the services obtained?
It may be.

634. Does it appear to you that there are sufficient reasons why so much larger an amount of remuneration should be given to counsel attending before a Parliamentary Committee than is given for attending in another Court?
Not more than I have already intimated, namely, that I think the Court is altogether of a different character, and that certainly a gentleman practising exclusively in this Court, or practising in this Court to such an extent as to diminish or materially interfere with his practice elsewhere, has only a limited period of the year during which he can follow his profession, while in the other Courts he has a much more extended period.

635. Lord *Belper.*] Is it the case that the practice of a distinguished leader at the Parliamentary Bar is likely to lead to judicial appointments and to the higher grades of the profession, so much as practice in the Court of Queen's Bench or in the Court of Chancery?
I apprehend not.

636. Are you of opinion that that may have had any influence upon the higher fees which are given at the Parliamentary Bar?
I cannot say whether or not it has had any influence upon them. I think that that would be a very proper consideration to bear in mind when regulating the fees for the future.

637. Lord *Redesdale.*] The emoluments of Parliamentary counsel have been very good, have they not?
No doubt.

638. Have you any experience of the charges for witnesses?
Not at all.

639. *Chairman.*] Do you think that any considerable reduction might be made in the charges for surveyors, engineers, witnesses and counsel, by submitting all bills to a compulsory taxation?
With regard to surveyors' and engineers' accounts I cannot give your Lordships any information at all; I am not aware that in the whole of my experience I ever saw an engineer's account sent in; I am perfectly ignorant as to the mode in which they charge, or the amount of their charges; of course, in order to have taxation of any sort, it would be necessary, in the first instance, to have a scale to guide the taxing master; as to whether or not it would be competent to lay down a scale I admit myself unable to express even an opinion, being totally ignorant of the mode in which engineers and surveyors are in the habit of charging for their professional services.

640. Earl of *Doncaster.*] Is not the amount five guineas a day?
I cannot state.

641. *Chairman.*] If a scale could be laid down for these charges, do you think that there would be an advantage in submitting all bills to taxation?
I do not.

642. Why, in your opinion, would it not be desirable to submit all bills to taxation?
I think, in the first place, it would not be reasonable to submit the charges of any class of gentlemen to taxation, unless you submitted all to taxation; the rule must be universal, otherwise you are selecting from the community one particular class, upon whom you put a sort of stigma that they are persons who cannot be trusted to make their charges right, or to receive their charges until somebody has inquired whether those charges are reasonable or not; I confess that I think that it would be a stigma. You have no scale for a physician's fees; you have no scale for a surgeon's fees; you have no scale for the fees of many other professions. A physician, according to his skill and ability and experience, or his fashion it may be, is entitled to charge, and does charge, and does receive the fee which his patient chooses to pay him, and he is not subject to the condition of not being entitled to receive anything he chooses to demand.

643. But in the case of a physician the apothecary's bill is not included, whereas in the case of a solicitor's bill the charges for engineers, surveyors and others are included?
I apprehend that if a solicitor's bill were sent in, including a charge for witnesses and for payments which he had made to surveyors and others, he would be obliged to produce the vouchers for those payments before the taxing master, if his account were taxed, would allow it to pass; but that would only go part of the way, because you must then revert to the question, whether he had paid the engineers and surveyors and witnesses a reasonable or an unreasonable sum for their services; as between the solicitor and the taxing master, the mere production of the vouchers would be sufficient.

644. Lord *Redesdale.*] Why might not the payments for attendance before a Committee of Parliament be subjected to the same sort of scale as the payments for the attendance of the same witnesses before a Court of Law?
I had once before occasion to give evidence before a Committee of this kind when the taxation was first established in the House of Commons, and I believe there were none of us then who raised the slightest difficulty to the system of taxation being adopted, and to a scale being fixed. What we did object to then, as your Lordships will find, if you take the trouble to look at the evidence

George Pritt, Esq.

1st July 1858.

which was given before the Committee of the House of Commons in 1847, was the obligation upon everybody to tax. We have no difficulty, and never had any objection to a means being afforded by which the reasonableness or otherwise of the charges which we had made might be ascertained. I understood the question which was put to me to go to compulsory taxation, and to that only I was answering. I venture to say now, as I said at the period to which I have referred, that I do not think that it would be reasonable that any class of gentlemen, be they whom they may, should be placed in the position that the person for whom the service has been rendered should not be at liberty, if he pleases, to pay the charge which is made, but should be compelled himself to have the account taxed before he is allowed to pay it: that I understand by compulsory taxation. If your Lordships mean merely a scale being fixed, which scale, if the Bill were taxed, should not be exceeded, that would be a totally different question.

645. *Chairman.*] Would it not be desirable to secure a uniformity of practice with regard to the remuneration of witnesses and the payment of the Parliamentary expenses included in the solicitor's bill, and might not that object be attained by a compulsory taxation, which could not be considered in any degree a stigma or reflection upon the professional gentleman himself, but which would aid and assist him in keeping down the expenses for his client?

No doubt to a certain extent that would be so; at the same time, I can apprehend many cases which might arise where the attendance of a witness before a Committee, a scientific witness for instance, might be very desirable, and where the witness might object to attend unless he received a sum larger than the taxed amount.

646. Would not that be a matter for the taxing master to consider?

Yes; but in the meantime the solicitor has to do his duty to his client, and to get the evidence which he believes to be important. I assume the case of some scientific witness, whose evidence the solicitor can only get by paying him a large sum for coming to give his evidence; he includes that in his account as a payment made; his account is compulsorily sent to the taxing master to be taxed as against the solicitor himself, and as against his client; and instead of the sum which he has given to the scientific witness, he is allowed one half of it: upon whom is the loss to fall? upon the solicitor, who has done his duty to his client, by getting the best evidence? Not upon the witness, because he has already received the money, and it would be difficult to make him refund. I wish to draw a distinction between a compulsory taxation, and a facility being given for taxing, so that anybody who has to pay a bill shall say, "I think this bill is exorbitant, and more than ought to be paid, and I will have it taxed." It is one thing to have a system by which the exorbitancy of a charge may be tested, and it is another thing to say that a man who has employed the services of another shall not be at liberty to pay that other what he has charged, although he himself may think it reasonable, until it has been submitted to some tribunal to ascertain whether or not it is reasonable.

647. Lord *Redesdale.*] Do you not think that the shareholders in companies require some protection against favouritism on the part of the solicitors of the companies in their payment of certain witnesses?

I cannot answer that question, because I really do not know what is paid to witnesses. I think I never but once saw a solicitor's bill in Parliament in my life. I have kept myself so entirely free from it, that I should be unable to answer satisfactorily any questions upon that subject.

648. Lord *Belper.*] You do not know what the practice as to paying witnesses is?

I do not.

649. Lord *Redesdale.*] In the statements which you made with regard to the expenses of Bills, I do not think there was any Turnpike Bill included?

As your Lordship may be aware, we divide our business very much, having a considerable amount of business, and I have certainly not included Turnpike Bills, as I had not myself, in those years, any Turnpike Road Bill. The list of opposed and unopposed Bills contained only Railway Bills, and the list of unopposed Bills did not contain a Turnpike Bill.

650. Do

650. Do you know what the expense of passing a Turnpike Bill is?

I think that the professional charges vary from about 110*l.* to 130*l.*, assuming it to be an unopposed Bill, and the Treasury pays the fees. The actual payments made are not very considerable; there is the printing of the Bill, which is of course paid by the trustees. I should think that of an unopposed Turnpike Bill the total cost would be under 200*l.*, say 180*l.* I am speaking now from recollection.

651. *Chairman.*] Have you any suggestion to make by which you think that the expense of Private Bills might be reduced?

One or two general matters have passed through my mind, anticipating that probably the question might be asked. One point I think, if it could be carried out, would in a very great number of cases save expense, which would be that in each House of Parliament some tribunal (a standing Committee, probably, might be the best) should be appointed, by whom the questions of *locus standi* should be decided. At present, this state of things frequently happens: a Bill is fixed for a given day; the promoters of the Bill look at the petitions against it, and are satisfied themselves that the petitioner, if there be but one, or the petitioners, if there be more than one, have no right to be heard at all before the Committee, and they determine to take the objection. But, in the meantime, the Committee may decide the other way. The consequence is, that the promoters must have delivered their briefs to counsel, must have had their consultation, and must have their witnesses up in town ready to proceed in the event of the decision upon *locus standi* being against them. The result follows, that the objection is taken; the Committee decide that the petitioner has no *locus standi*, and the expense of the promoters has been incurred and of the petitioner too, because he must also be prepared with his witnesses; whereas if a tribunal appointed at some reasonable period after the presentation of the petition have decided against the *locus standi*, all that expense would not have been incurred, and the Bill would have gone in the one House to the Chairman of the Committee of Ways and Means, and in the other to the Noble Lord who takes the unopposed Bills, at comparatively no cost whatever.

652. Do you think that that inconvenience might be met by referring the question of *locus standi* to the examiners, subject to the final decision of the Committee on Standing Orders of either House of Parliament?

I think that I should prefer myself, with very great deference to the gentlemen who fill that office now, a Committee, such as for instance the Chairman's panel, if such a thing could be established; in fact we have a Committee for Railways; now some such tribunal as that, I think, would carry with it more weight, and I think that by the other plan the expense would not be saved, except in some cases, and if there were an appeal, then the expense would be just as it is at the present time; the appeal could not be heard until all the expenses had been incurred of going before the Committee, whereas that would be obviated if there were a Standing Committee of each House of Parliament. I might suggest that the Standing Orders Committee in the House of Lords, who perhaps are not very much over-worked at present, might take it, or that some such Committee as that might discuss the question of *locus standi*. My Lord Redesdale will remember that there have been one or two cases in which the House specially referred the question of *locus standi* to the Standing Orders Committee, who decided that there was no *locus standi*; the result was, that the Bills passed as unopposed Bills, the cases there being perfectly clear. I think that a Committee would be better, for various reasons: first of all, I think, a Committee of either House would have greater weight than an officer of the House upon a question not of fact, but a question of principle, whether a petitioner makes out a *locus standi* or not; and further, sometimes those questions are so intricate and so involved, and involve such large interests, that I think parties would not be satisfied that the discussion as to *locus standi* should be conducted otherwise than by those whose duty it is to be advocates: I mean, that the parties might not be satisfied to intrust the discussion to the agents.

653. Would not the inconvenience be met by the regulation that the question should be submitted to the examiner, and that if the examiner found that there was no *locus standi*, the matter should then be referred to the Standing Orders Committee of either House of Parliament, as the case might be, for

George Pritt, Esq.

1st July 1858.

them to decide whether the rule should be relaxed, and the petitioners admitted or not; would not that give equal satisfaction to the parties as if it were referred in the first instance to the Standing Orders Committee?

No doubt; but if you had, first of all, an inquiry before a tribunal from which there was an appeal, you would have more expense; in most cases I believe that there would be an appeal, and you would have the expense of the appeal added to the original expense of appearance before the examiner.

654. It would be following the same course as is now adopted with regard to compliance with Standing Orders, would it not?

No; in the case of compliance with Standing Orders there is this difference, that the examiner is merely inquiring into fact; the Standing Orders Committee take into consideration all the circumstances, and decide whether the circumstances are such as to induce them to overlook the non-compliance with the Standing Orders; with that the examiners have nothing to do.

655. Earl of *Doncaster.*] Is it not the fact, with regard to *locus standi*, that in different Committees cases almost identical in character have been decided in exactly opposite ways in the same Session of Parliament, one Committee admitting the *locus standi*, and the other denying it?

I am not sure whether I could put it quite so broadly as that; no doubt there has been difference of opinion with regard to questions of *locus standi*.

656. Lord *Redesdale.*] Do you not think that there is an advantage in having the matter left for the Committee finally to decide, inasmuch as in some cases it is such a mere point that it comes to be a question of expediency as to the advisability of hearing a party in order to have the case tried, which the Committee alone could decide?

I think there might be some such cases, but I think they would be exceptions to the rule, and I think that the present system is fraught with injustice to the petitioner. The present system works in this way: the counsel for the Bill opens the case, and during the opening of the case he comments upon the petitions presented against the Bill, and, after having answered the objections raised by the petitioners, and thrown what amount of obloquy he can upon the petitioners, he then intimates that he intends to oppose their *locus standi*. The moment the counsel for the petitioners gets up to ask a question, the discussion upon *locus standi* takes place, the merits of the petition having really been gone into in the opening speech; and, when the counsel for the petitioners attempts to answer it, it is said, No, you must confine yourself to the *locus standi*, and not go into the merits; so that, practically, the minds of the Committee have been directed to the whole matters at issue by the counsel for the Bill, the counsel for the petitioners having no means of answering him.

657. And is not the tendency of the Committee upon the Bill to refuse the *locus standi* rather than to admit it?

One may conceive of Committees who would act in that way.

658. *Chairman.*] If the *locus standi* was inquired into, as you propose, by the Standing Orders Committee, do you think that it would be of much importance to require that the question of *locus standi* should be settled at an early period of the Session; for instance, at the same time as the question of compliance with the Standing Orders?

Not at the same period, but at an early period of the Session. My idea would be something of this kind: that within a given number of days after the deposit of the petition in the House of Commons the promoters of the Bill should have the option of intimating to the petitioners that they intended to contest their *locus standi*; that failing to give them such notice, it should not be open to them to contest it before the Committee on the Bill; that having given that notice, a day should be fixed for inquiring into the question of *locus standi*, and that it should be brought before the Committee in such manner as the parties thought fit, by their agents or by their counsel, as they might prefer, and that the decision of that Committee upon the question of *locus standi* should be conclusive. But in all cases, that would take place many days, probably weeks, before the Committee on the Bill would sit, consequently the promoters of the Bill, knowing that there was no *locus standi*, and therefore no petition against them, or that a particular petitioner had no *locus standi*, and therefore that they need

need not address themselves to his case, would not prepare the bulk of evidence necessary for an opposed Bill, or instruct counsel or deliver briefs, or take any course of that sort, but the Bill would be referred to the Chairman of Ways and Means as an unopposed Bill.

659. Would you have the question of *locus standi* settled by both Houses of Parliament at the same time?

No, I do not think that that would be possible; the Bill might be rejected in the Commons, or might be amended in the Commons. It would involve the necessity of the petitioner petitioning the House of Lords, in order that his case might get before the Committee of the House of Lords in fact before the Bill was brought up to the Lords, and probably the promoters in the Commons might so modify the Bill as to take away his objection.

660. Lord *Belper*.] All that you want, would be to have the point settled in sufficient time beforehand?

Yes; I may mention a case which occurred in this House only last week. I had the charge of the Manchester Corporation Waterworks Bill; there was a petition presented from the Corporation of Stockport against that Bill; it was clear that they had no *locus standi* whatever upon it. However, it was necessary for me to be prepared. The Bill was referred to an opposed group; the preceding cases occupied, I think, three or four, or even five days, during which time the town-clerk of Manchester was necessarily in attendance here; counsel were retained; the case came before the Committee, and in half an hour it was over; the Committee unanimously decided that there was no *locusst andi*. That is a case of comparatively slight importance, because the evidence which was prepared to be given was not heavy; but I have no doubt that from 70 to 100 guineas would have been saved if that question of *locus standi* could have been decided before the Committee was appointed, so as to save the necessity and expense of going prepared to fight the case as an opposed Bill. There is another point, if your Lordships will allow me to mention it, which touches this House more particularly, where I think some expense, and in many cases not an inconsiderable expense, might be saved, which is rather a vexed question, namely, as to the swearing of witnesses, and the period at which it is obliged to be done. The practice is this: a Committee is fixed, I will assume, to-night (which is, I trust, not improbable) to sit on Monday; I assume that the House does not sit on Monday morning; the consequence is, that witnesses must be brought up from any part of the country in which they may be on Friday; I have little doubt that I may have to telegraph to-night for witnesses to be here to-morrow, for the purpose of being sworn to give evidence on Monday; of course they must be detained in town during Saturday and Monday, at the expense of the parties summoning them. Whether or not any plan could be adopted by which witnesses might be sworn by the Committee, or whether, in the case of Railway Bills and matters of that sort, the evidence given by certain witnesses is so much a matter of opinion, and not a matter of fact, as to induce your Lordships to dispense with the swearing of the witnesses (as in the present case, in which I am giving evidence before your Lordships upon matters of opinion) is a matter for your Lordships to consider; but the present system certainly occasions an expense, and a very considerable expense, and more frequently towards the close of the Session, when of necessity Committees are appointed to sit at an earlier day than in the former part of the Session. I have had cases where witnesses have come up to town to be sworn immediately on the second reading, persons whose absence from their occupations would not admit of their remaining in town, and they have gone down again the same night, merely waiting for a telegram to summon them to give evidence when the Committee is fixed.

661. Lord *Somerhill*.] It might happen that although many witnesses had been sworn, the opponents having no *locus standi*, the witnesses on either side, or on both sides, might be three days in London and not be called at all?

No doubt it might be so.

662. *Chairman*.] Do you think that any advantage would result from a more equal distribution of business between the two Houses of Parliament, by which more Bills might commence in the House of Lords at an earlier period of the Session than they now get to that House, provided that the House of Commons

George Pritt, Esq. 1st July 1858.

were to waive their privilege, and allow such matters to be introduced in the other House of Parliament?

I do not know. I should be a little doubtful whether or not the business would be done more satisfactorily, either to the two Houses, or to the practitioners. To the practitioners, no doubt, it would be a great inconvenience. I am anxious to look at the question apart from myself, as far as I can, although it is difficult sometimes to do so. The inconvenience to myself and to my brethren would certainly be so great that we should be very much disinclined to have the change made, but trying to look at it independently of that, I am inclined to think that it would not work well.

663. Do you think that there would not be any great saving in time, or that it would not prevent a great flood of business coming into the House of Lords at the end of the Session?

I think not. I have no return of the number of Bills which, having been opposed in the House of Commons, are opposed in the House of Lords. I believe it to be comparatively small. But if you commenced a greater number of Bills in the House of Lords, your Lordships must of course take your share of the opposed Bills. I think it would throw therefore a greater amount of labour upon the Members of your Lordships' House, and I do not think that the Bills which your Lordships passed and sent down to the House of Commons would be so uniformly passed there unopposed as they are now passed by your Lordships after a contest in the House of Commons, the House of Commons being a more popular assembly than your Lordships'. I think there would be a greater agitation to reverse the decision of your Lordships upon a Private Bill than there is now to induce your Lordships to reverse the decision of the House of Commons on a Private Bill; and, therefore, I think that the ultimate result would be to have a larger amount of contested business in the aggregate in the two Houses.

664. Lord *Redesdale.*] It would be open to that, also, from the greater length of time allowed; a great deal of opposition is at present got rid of by the shortening of the time, is it not?

No doubt.

665. *Chairman.*] Has it ever occurred to you that there might be a considerable saving of expense in the case of unopposed Bills if the House of Commons were allowed to take evidence upon oath, and the House of Commons were to communicate their evidence to this House of Parliament, as this House does now to the House of Commons, in the case of Estate and Divorce Bills, which would be taken by affidavit, without examining witnesses a second time?

No doubt some amount of expense would be saved by that, and in some cases it might be considerable: I mean considerable in the cost of witnesses, as saving their expenses while in town, and so on. I think that if an arrangement were made, such as your Lordship suggests, by the abolition of the oath on these matters, or by affidavit, or by the Commons having the power to swear witnesses and sending up the evidence, the system now adopted with regard to Estate Bills might be adopted with regard to other Bills in respect of matters of fact. The system with regard to Estate Bills is, that your Lordships' clerk attends the Committee of the House of Commons, producing the Minutes of Proceedings before this House; the House of Commons take that as proof of the facts which are recited in the preamble of the Bill, and which require to be proved. There are no doubt a great many questions of fact in Bills coming from the other House up to this House, and which have again to be proved in this House, having been already proved in the House of Commons. There would no doubt be a saving of the expense of the attendance of those witnesses, which in some cases would be considerable, and taking the aggregate of the expenses of Bills in Parliament, it would be considerable.

666. Is there any inconvenience which it occurs to you would arise from adopting such a practice in the case of unopposed Bills?

No, I think not; we pass very rapidly through unopposed Committees at the present moment, but we are still obliged to be there with the witnesses, and we do give the proof formally, although not at great length. We have the witnesses there, who are there to be examined at greater length upon any question, if necessary; but substantially they are mere matters of fact.

667. Still

667. Still an amount of expense would be saved by doing away with the double procedure which is adopted?
There is a certain amount of expense which would be saved.

668. Lord *Redesdale.*] Do you not think that it, after all, must be confined to mere matters like the production of documents, or books, or anything of that sort, and that it could not be extended to the evidence on the preamble of the Bill?
Quite so.

669. Do you not think that, even in unopposed Bills, it is very often necessary (I have found it necessary, and of advantage) to ask questions with regard to matters connected with the details of the Bill, and that it is important to have before the Committee a person who is conversant with those details?
Quite so; I understood the question of the noble Lord in the chair to be with regard to formal matter which required proof.

670. *Chairman.*] Might not that difficulty be met by adopting the course which, I believe, has been adopted by the House of Commons with regard to Divorce Bills, namely, that if it has appeared to them necessary to call for further information, they would have called for such further information upon the subjects which have seemed to them to require further evidence?
If a power of that sort were given, I think it very questionable whether in the ultimate result there would be any great saving of expense. One of two things must happen: either the witness must be present to give that additional evidence if the noble Lord in the chair, or any member of the Committee, should require it, in which case you do not save the cost of bringing up the witness (and when we come to a late period in the Session no agent would think it wise to advise his client not to be prepared with that evidence, lest the noble Lord in the chair might require information on the subject), or you must have an adjournment, which involves a certain amount of expense, in order that the witness may be sent for and arrive. I think that upon formal proofs, the production of deeds and mere matters of fact, your Lordships might, with convenience to parties and with a saving of expense, take the proof given before the other House of those matters of fact. I should be a little doubtful as to the propriety of carrying it into questions of opinion. I think that it might be carried a step further, and being in constant communication, as we are, with my Lord Redesdale, we might take his instructions as to whether we should have a witness up or not. His Lordship goes through the Bill and sees the object of it. If his Lordship were to take the trouble to say, "I must have evidence upon this," we should then be prepared with it. If his Lordship said, "I do not wish it," we could have the Commons' evidence.

671. Even if it was limited to that, it would be a saving of a certain expense?
Not of a very great amount of expense, but still a saving of some expense; and not a saving of expense in every Bill. In the case of many Bills with no recitals of fact in them that would be unnecessary.

672. Is there any other observation which it has occurred to you it would be desirable for you to communicate to the Committee, for the purpose of improving the system of conducting private business?
I do not think there is at this moment.

673. Lord *Redesdale.*] Have you ever turned your thought to that which has been often suggested, namely, a preliminary inquiry, or any inquiry before some other tribunal, preparatory to the introduction of the Bill into Parliament?
Yes, it has often passed through my mind.

674. Is your opinion of it that it would in most instances be that expense added?
I think that it depends entirely upon the question of what that preliminary tribunal is to be. If that preliminary tribunal is to be conclusive in its decision and to be binding upon Parliament, and if Parliament is merely to record what is done, then of course it depends entirely upon the mode of constitution of that tribunal whether or not you save any expense, as compared with having inquiries before the two Houses. If there is to be an appeal from that tribunal, my belief is, that however for a short period it might operate so as to be practi-

George Pritt, Esq.

1st July 1858.

cally conclusive, in a very short time an appeal in every case would take place, and that it would be an additional cost to the passing of the Bill beyond what there is now.

675. *Chairman.*] Do you think that the reports of the Board of Trade upon railways, and the reports upon harbours and docks, and matters of that kind, are useful in assisting the Committee in coming to a decision?

I think it depends a good deal upon the nature of the case and the report. There is generally speaking a distinction between the reports of the Board of Trade and the reports of the Admiralty. The reports of the Admiralty usually treat of what I may call physical matters; the mode of construction of works, the interference with navigable rivers, harbour works, and so on; they are more reduced to matters of fact. The reports from the Board of Trade are more as to matters of policy, and in that point of view they are regarded, I think, in a somewhat different light by Committees of both Houses. The others being materially upon the question of the construction of works, the Admiralty reports perhaps receive more consideration from a Committee than the general reports from the Board of Trade do upon matters of policy. I think that during the present Session, the reports from the Board of Trade, as far as my observation has gone, have received more attention from Committees, generally speaking, than in former years perhaps they did.

676. Do you not think that it is advantageous to have a report from a public department, putting before the Committee the interests of the public as contra-distinguished from those of either the opponents or the parties promoting the Bill; do not you think that it might be desirable that the attention of the Committee being called to these matters, the Committee should state the reasons why they did not attend to them, or why they proposed to alter them?

To some extent that is now the practice with regard to some points. With regard to level crossings, inclinations of roads, and so on (being again rather in the category of the construction of works than of policy), the Committee of the House of Commons cannot allow level crossings or inclinations of roads, in opposition to the report from the Board of Trade, unless they have examined the officer of the Board of Trade, and unless they report to the House their reasons for not agreeing with the Board of Trade.

677. Is not that by enactment?

It is by a Standing Order of the House of Commons; that Order does not go beyond that; with regard to the larger question as to a report from a public Board being laid before the Committee, I think that it would depend a good deal upon the matters upon which that public Board reported, and their means of arriving at the facts upon which they supported their opinion upon those matters. As, for instance, supposing it were a question of the propriety or otherwise of an amalgamation of two companies, or of a competing line, or the construction of a new line of railway, unless the Board of Trade had the means before them of fully investigating all the circumstances connected with that question, I am not sure that their opinion would receive any very great consideration from a Committee, who would have all the facts before them; excepting in this respect, assuming the Bill to involve a principle which was inconsistent with any report from a Committee of either House of Parliament, as, for instance, Mr. Cardwell's Report, then the Committee no doubt would look into the report of the Board of Trade, and would give it all possible consideration and attention.

678. Do you think that it would be desirable to extend these reports to all Private Bills, so as to require that some public department, connected with the matter to which these Bills referred, should always report upon them before they were taken before a Committee?

I must honestly say, that I do not think that any great advantage would result from it; I do not think that, speaking as a general rule, a tribunal who are to hear the evidence, to hear the arguments, and to judge for themselves from the evidence and the arguments, are much swayed by a report coming from any source whatever, upon matters of policy, matters of principle, without knowing whether or not that Board has had the same means of investigating the subject-matter of discussion which they themselves have.

679. Do you not think it desirable, for instance, in the case of unopposed Bills,

Bills, that there should be always some parties representing the public who should report upon them as to how far any of the provisions affected the public interests, as, if those Bills are unopposed, it is no one's business to see that injurious provisions do not creep into the Bills; would not that be met by requiring in all cases of Private Bills a report to be made by some public department?

I think not in the case of all Private Bills; no doubt there are cases in which Parliament might very properly be assisted by a report; as, for instance, supposing it were a Bill proposing to interfere with Customs regulations, or that there were some new principle involved in the Bill, then I think that a report from the Board of Trade for instance, or from any other department, might have great weight; but if it were the question of the construction of a railway, and the effect which the construction of that railway would have upon existing lines, or upon any particular class of the community, I do not think that the report of the Board of Trade would receive anything like conclusive weight with the Committee upon the subject; from some Committees I think it would probably receive very little consideration.

680. Lord *Redesdale.*] Do you see any way in which Parliamentary agency might be made more of a distinct profession than it is at the present moment; that none should be allowed to practise but persons who had gone through a certain training?

I think that if any such plan were carried out it would result beneficially to the Houses of Parliament; to myself, individually, I do not think that it would be a matter of any consequence whatever; I am perfectly indifferent, now, as to whether that is done or not; in my earlier career I thought it would be desirable; at present I do not think it would. But I may be permitted to say, that, considering the nature of the business entrusted to us, and the confidence which I believe is placed in us by the officers of both Houses, I think it is desirable that Parliament should know who the parties are that are practising before them, whether they are people in whom confidence can be placed, and whether their competency to conduct business is sufficient. The difficulty, no doubt, is, that of right (which I would not interfere with—I think it ought to be maintained) every solicitor can practise in the Court of Parliament, and I think it would be a very difficult and invidious thing that any proceedings should take place which would deprive the solicitor of his undoubted right to practise before both Houses of Parliament; subject to that, which perhaps is only narrowing the case a little, rules might be laid down. There are, no doubt, gentlemen practising now as agents who have had no legal education of any kind; I think it perhaps desirable that they should have had some.

681. Lord *Belper.*] It is not necessary to be a solicitor in order to be a Parliamentary agent?

No.

682. *Chairman.*] Practically, is it not the fact that much the larger proportion of business is transacted by persons who are regular Parliamentary agents, and that the persons who are not regular Parliamentary agents are very few?

The number is large, but the amount of business which they do is not very large; the bulk of the business no doubt is done by the others.

683. Lord *Redesdale.*] Do you not think that it would be a benefit, in every instance, or almost in every instance, if it were rendered necessary that the parties applying to Parliament should employ a person of Parliamentary experience instead of another agent?

Your Lordship rather puzzles me to answer the question directly; you will allow me to say, that if you were to confine that question to employing Parliamentary agents, as we generally know them, I should be inclined to say, No; because there are gentlemen who may have Parliamentary experience who might be able to do, and who sometimes do their business without the intervention of those whom we call Parliamentary agents, such as solicitors of large railway practice in London. Therefore, to say that nobody should practise in Parliament excepting through the intervention of a Parliamentary agent is saying that which I think I should not be able to support.

George Pritt, Esq.

1st July 1858.

684. Would not many of those gentlemen to whom you allude be perfectly qualified to be accepted by the House as Parliamentary agents?
Quite so.

685. Do you not think that it would be beneficial to parties applying to Parliament if Parliament refused to receive any Bill in which a person who had not been admitted to practise as a Parliamentary agent was concerned?
I think that it would be beneficial to the House that it should be so; perhaps your Lordship will excuse my answering the question as to the client. No doubt, to put a general principle, it must be, one would think, beneficial to a man who is seeking to obtain a benefit to himself, whether in Parliament or elsewhere, to employ somebody competent to assist him in his object, and a man educated for his particular profession would be more likely to do it than a stranger.

686. Is there not a great deal of technical matter connected with the Orders of the House and other matters, with which, if a person is not well acquainted, delay and expnse will arise?
No doubt.

687. *Chairman.*] Strictly speaking, what constitutes a Parliamentary agent?
Strictly speaking, what constitutes a Parliamentary agent is a man having business to conduct in Parliament. The only way in which a Parliamentary agent can be ascertained is by the fact of his having business, and by a rule of the House of Commons at the commencement of each Session, every gentleman practising as a Parliamentary agent has to enter his name in a book, stating that he will conform to the rules of the House and pay the fees and so on, and thereupon he becomes a Parliamentary agent, if he has a Bill; if he has no Bill he does not take the trouble to enter his name. If he has an opposition he enters his name in the book, and for that period, at all events, he is a Parliamentary agent; and I find upon looking at the Post Office Directory that there are a great many gentlemen entered as Parliamentary agents, the names of many of whom I confess I have never heard.

688. I suppose every gentleman who has ever had a Bill calls himself a Parliamentary agent?
Yes; he must be, because he must enter his name in the book of the House of Commons.

689. Lord *Somerhill.*] The House will receive a petition from any subject of the Queen, and then that petition is referred to the Committee having to do with that Bill, and that petitioner has leave to appear by counsel?
If a man presented a petition, and appeared before the Committee in support of his own case, I apprehend that it would not constitute him a Parliamentary agent; he would then be a petitioner in his own right; but if he employed any gentleman to conduct his case before the Committee, that gentleman must first sign his name in the book, and he would henceforth become a Parliamentary agent, although he might never have had any other business except that particular opposition.

690. In this House undoubtedly a man might present a petition, which petition, if it was in regular order in other respects, would be referred to the Committee on the Bill; and he might appear before that Committee on the Bill in support of his petition, without employing any professional gentleman at all?
Quite so.

691. I put the question with reference to a difficulty to be considered in constituting Parliamentary agents, inasmuch as you might in that way exclude the subjects of the Queen from coming before Parliament?
I think not any more than you would exclude them before the courts of law. Counsel have the sole audience before the Court of Queen's Bench, but not to the exclusion of a man conducting his own case. Speaking with regard to a petition, a petitioner may conduct his own case before your Lordships' Committee if he pleases; but if he does not conduct his own case, then he must do it through some other instrumentality, which would be the instrumentality of a person who would enter his name as a Parliamentary agent, and who would become a Parliamentary agent for that time.

692. Lord

692. Lord *Redesdale.*] Do you think that it would be desirable that some professional education, at all events, should be required for Parliamentary agents?

I think that if any system were laid down by which the profession should be recognised as a separate one a certain amount of education would be an essential, always with the exception which I have stated, that I should hesitate very much, indeed I should be very much disinclined, to see any process adopted by which those now having the right to practise should be precluded—I mean the solicitors. I do not see how that is to be got over, particularly in the case of oppositions.

693. Taking the present body of men who, by practice before Parliament, are known and recognised as Parliamentary agents, and recognising them as such, and as permitted to appear before Parliament, if you were to lay down a rule that, for the future, no person was to be admitted to that body unless he had passed as a solicitor, do you see any objection to such a rule as that?

Not the least in the world; on the contrary, unless he had otherwise received a legal education or rendered himself competent to discharge his duties.

694. Duke of *Somerset.*] Are there any Parliamentary agents of considerable practice who are not solicitors?

Certainly; two of my own partners were not solicitors; they were at the Bar; they were not educated as solicitors; they were educated for, and admitted to, the Bar, and they left it to join my firm. Another of my partners served his time, but was never admitted, as a solicitor.

695. If persons have practised with success as Parliamentary agents who have not been solicitors, why should Parliament lay down the rule that of necessity they should be solicitors?

I apprehend that it arises from a difficulty in Parliament passing any rule by which they would exclude solicitors from practising in Parliament. With a view therefore not to have that exclusion, and at the same time to lay down some rule, you should make the fact of the person being a solicitor or otherwise legally educated the condition of his being a Parliamentary agent. No doubt you might have other means of doing it; you might require that any gentleman seeking to practise as an agent should serve his time to an agent, if you thought it right to do so, and should acquire his knowledge by that means; I apprehend that, generally speaking, if you were to say that a man should not practise as a Parliamentary agent unless he were a solicitor, the presumption at all events would be that you would have men of legal minds to conduct business which is of a legal character; and probably if that rule were laid down any solicitor wishing to practise in Parliament would take means to render himself competent to do so. At the present time, as has already been observed, any person whatever, if he can get a Bill in Parliament, however incompetent he may be from his earlier avocations to conduct it, is at liberty to do so.

The Witness is directed to withdraw.

Ordered, That this Committee be adjourned till Monday next, One o'clock.

Die Lunæ, 5° Julii 1858.

LORDS PRESENT:

Duke of Newcastle.	Lord Wodehouse.
Earl of Doncaster.	Lord Redesdale.
Earl Stanhope.	Lord Portman.
Earl Graham.	Lord Stanley of Alderley.
Viscount Hutchinson.	Lord Belper.
Viscount Eversley.	

THE LORD STANLEY of Alderley in the Chair.

Evidence on Proceedings in Parliament on Private Bills.

C. E. Thomas, Esq.

5th July 1858.

CHARLES EVAN THOMAS, Esquire, is called in, and examined as follows:

696. *Chairman.*] ARE you a Parliamentary Agent?
I am.

966*. How long have you been employed as a Parliamentary Agent?
Since 1845.

697. It is within your recollection, then, when the new system with regard to submitting the proof of compliance with the Standing Orders to the Examiners first took place, is it not?
Yes; that was some years after I commenced business as a Parliamentary Agent.

698. Is it your opinion that the new system of referring that question to the Examiners has been advantageous to the public?
I think so; I think it has diminished the expense very much. At the time when it was introduced, there was very considerable expense, caused by the delay in consequence of the old system of Sub-Committees; whereas the system of the Examiners has altogether done away with a great part of that expense, by rendering certain the day and the time at which every case will come on. I think, also, that it has tended to render more certain the decisions, inasmuch as the Examiners are bound by the decisions of former years, whereas the Sub-Committees very often differed.

699. Do you think that it would be an advantage to the promoters of Bills if the question of compliance with the Standing Orders were submitted to the Examiners in the case of the House of Lords as well as the House of Commons, so that there should be a reference to the Standing Orders Committee of the House of Lords at the same period that the subject was examined into before the Standing Orders Committee of the House of Commons?
I think that by that course a balance of advantage would be gained by promoters of Bills; there would also be a disadvantage. At present, it is known that the Standing Orders Committee in the House of Lords hesitate in throwing out a Bill which has incurred the expense of going through Committee in the Commons, and that therefore they are disposed to be lenient. I think that if the report of the Examiner came up to them at a time when much expense had not been incurred, they would not be so lenient; there would not be the same reason for leniency as there is at present. The promoters of Bills, therefore, might lose their Bills by that means; but when a Bill was lost, it would not cause so heavy an expense to them.

700. In that case all the expense of the proceedings in getting up to the House of Lords would be prevented, and the Bill would be stopped *in limine*?

C. E. Thomas, Esq.
5th July 1858.

The Bill would be stopped before the chief expense, which is in the Committee, had been incurred no doubt. I may add, that with regard to those Standing Orders which are peculiar to the House of Lords, there would still have to be a reference to the Standing Order Committee of the House of Lords as now.

701. You refer to such order as the Wharncliffe order and others?

I refer to the Wharncliffe order, and I refer to it particularly because, practically, of the Bills which are thrown out in the Standing Orders Committee of the House of Lords, a very large proportion are thrown out for non-compliance with that Wharncliffe order. I may mention, perhaps, that the other principal cause of Bills being thrown out, is with reference to declarations and subscription contracts, and that in that respect there is a difference of judgment between the Examiners and the Standing Order Committee; that is to say, the Examiners feel bound not to go into the merits of the declaration or contract, but to leave that to the Committee of the House of Commons; whereas upon those points the Standing Orders Committee of the House of Lords exercise the functions both of the Examiners and of the Committee in the House of Commons; consequently, if the whole jurisdiction were transferred to the Examiners, it would be necessary that there should be an unison of proceeding between the two Houses on those points; it would be necessary to lay down a rule, whether or not they were to act in accordance with the present practice of the House of Commons, or whether or not they were to act in accordance with the present practice of the House of Lords, which practices differ as I have mentioned.

702. Do you think that it would be desirable to have, for instance, the question of the subscription contract submitted to the Examiners at an early period of the Session, and that in case of any doubt upon the matter there should be a reference immediately to the Standing Orders Committee of the House of Commons, and the Standing Orders Committee of the House of Lords, so as to have the question settled once for all, without submitting it to the Committee on the Bill?

I think so; I think that having the whole matter discussed and decided at the same time would be a great advantage.

703. Lord *Redesdale.*] Do you not think it desirable that the practice of the House of Lords in that matter should be followed by having the question of the validity of declarations or subscription contracts decided before the Standing Orders Committee rather than before the Committee on the Bill?

I think that if all such questions were decided by one Committee, the advantage of a uniformity of decision would be gained, and that that advantage would be very considerable.

704. Do you not think it desirable, both on account of expense, and as also determining that question before the further investigation is entered into, that it should be a preliminary investigation rather than before the Committee on the Bill, and that it should be decided by one Committee instead of being subjected to the decision of various Committees?

I certainly think that it would be most desirable and advantageous in every way, that it should be decided by one tribunal alone, and that the same tribunal should always have the decision of the whole of that question on all Bills, and I think that that could only be accomplished by sending the whole matter before the Examiner, if it were arranged to be done by one tribunal. At present it is divided into three tribunals, that is to say, the Examiner first has to decide upon certain parts of the subscription contract, namely, everything except the truth of the declaration or the solvency of the parties. Then the Committee on the Bill in the House of Commons decide on the truth of the declaration and the *bona fides* of the contract, and then both those matters are decided together by the Standing Orders Committee of the House of Lords. It would be desirable, in my opinion, that the whole matter should be decided by one and the same tribunal in the interest of uniformity, and the saving of expense.

705. *Chairman.*] Still I presume you would propose that there should be an appeal from the Examiners to the Standing Orders Committee of the two Houses of Parliament, or would you make the decision of the Examiners conclusive?

In

In the House of Commons there is no appeal from the Examiners on the question of compliance or non-compliance; their decision is final as to that question. In the House of Lords the Standing Orders Committee take the two functions to themselves, namely, to decide upon the question of compliance or non-compliance, and at the same time to decide whether the Standing Orders shall or not be dispensed with.

706. Do not the House of Commons also decide whether they shall be dispensed with or not? If the Examiners report that the Standing Orders have not been complied with, is it not open to the House to say whether they shall be dispensed with or not?

According to the present practice the Examiner is precluded from going into the question of the dispensation with the Standing Orders, and the Committee to whom his report goes are precluded from going into the question of compliance or non-compliance; the Standing Orders Committee have to take his report of non-compliance as conclusive, and then say whether or not the Standing Orders shall be dispensed with. The two functions are entirely separate in the House of Commons. The Examiner's decision is absolute as to the compliance or non-compliance, and as to all matters of fact, and the Standing Orders Committee have the sole function of considering whether the Standing Orders shall or shall not be dispensed with.

707. Do you think that it would be desirable to refer any other matters to the Examiners, such as questions of *locus standi*?

I think it would be very desirable to have a tribunal in both Houses, before which the question of *locus standi* could be raised and decided. It is often a source of very great expense to parties, and such expense is wholly thrown away when, after both sides have retained counsel and secured the attendance of witnesses, the opponents are held to have no *locus standi*; the expense to both sides of the counsel and witnesses is thrown away. It would be most desirable that there should be a mode of going before a permanent tribunal for the purpose of having those points decided; it would be a great saving of expense, and it would also be a great advantage on the ground that the decisions would be uniform.

708. There may be now different decisions in every Committee before which a Bill is brought?

Within certain limits the decisions are conflicting. I am of opinion that it would be better that that tribunal should be such a one as would carry weight.

709. How would you propose to constitute a tribunal for such a purpose?

I think it might be combined with a panel of Chairmen. I think that a panel of Chairmen for Committees would have a very good effect, and would add great weight to the decisions of the Committees; and I think that if that Committee were so constituted, they might take questions of *locus standi*. I think that the Committee would be able to do so; they would soon establish certain rules, and there would be few contested points before them, and the cases would not take long; they might very well get through the business without much labour, and I think that their decisions would have much more weight than the decisions of any mere officer of the House.

710. Do you think that the effect of it would be that in a short time there would be a certain code of regulations framed, which would govern questions of *locus standi*?

Certainly; I contemplate that in a short time there would be very few questions of *locus standi* contested, assuming that the tribunal which regulated the matter was so constituted as to give sufficient weight to its decision.

711. Do you think that a similar Committee might be established in the House of Lords, to whom such matters should be referred?

Yes; in my previous answer I contemplated one being established in each House. There is at present another source of uncertainty, and therefore of expense, arising in this way. It is known that the Committees of the House of Lords look with disfavour upon petitioners who have not appeared before Committees of the House of Commons; but it is not known to what extent that disfavour will be carried; whether it will prevent their being heard, or to what extent it may operate upon the decision of the case. I think that it would be very

C. E. Thomas, Esq.
5th July 1858.

desirable if it could be done, that that should be defined. It might possibly be defined in this way. If there were a tribunal such as the Chairmen's panel, which could upon summons or in a summary way, or upon petition, give leave to a petitioner who had not been heard in the House of Commons to be heard notwithstanding in the House of Lords, I think that then a rule might be laid down definitely, that petitioners who had not petitioned in the House of Commons should not be heard in the House of Lords, unless they got the leave of this tribunal to be heard. Of course there are peculiar cases; there are petitioners abroad, or there may be special cases in which it may be necessary that parties who have not petitioned in the House of Commons should in justice be heard in the House of Lords; but those are a very small minority of cases; and it would save great expense and uncertainty if a system could be framed whereby the rule could be laid down that petitioners were not to be heard in the House of Lords unless they had petitioned and given notice to the promoters of the Bill of their opposition in the House of Commons, subject to certain rules. That has not hitherto been done, but in every case the Committee on the Bill have been the only party to say whether such petitions should be heard or not; and I think that that is a source of uncertainty at present. I put it as a suggestion, that another function of a new committee, a Chairman's Committee in the House of Lords, might be to consider whether parties who had not petitioned in the Commons should be heard.

712. And your view would be that no petitioner should present a petition to the House of Lords who had not petitioned in the House of Commons, unless upon a special case brought before a Committee to whom that matter should be referred, he should have shown such circumstances as justified his appearing by petition?

That is my view.

713. Viscount *Hutchinson.*] Might not cases occur in which a Bill had been so far altered by a Committee of the House of Commons that it would affect the interests of parties who had not been previously affected?

Probably the case of new matter introduced in the Committee of the House of Commons would be so obvious a case that it would be necessary in the Standing Order which I should contemplate, which would define the right, to except that case absolutely; therefore it would not even be necessary in that case, in my contemplation, that it should go before the Committee, because any Standing Order which limited the right at present existing, would be so framed as to save the right to be heard against new matter introduced in the Committee of the House of Commons.

714. Viscount *Eversley.*] Are not parties entitled to be heard upon new matter in Committees of the House of Commons?

Yes, upon a new petition. But it might very often happen that parties were not aware of it in sufficient time to petition in the House of Commons; in that case, I should contemplate as a matter of course their being heard in the House of Lords without a reference even to that Committee which I have suggested.

715. Lord *Redesdale.*] Do you think that as regards questions relating to subscription contracts and declarations, some difficulty might arise as to determining them before the Examiners, inasmuch as their investigation takes place at a very early period, hardly affording time to discover the various circumstances which are connected with subscription contracts?

I think that the circumstances might be discovered in the course of three weeks; there are about three weeks before the deposit of the memorial, and the hearing would be about a week afterwards; there would be a month to discover the facts as they had taken place.

716. You think that that would be sufficient?

I think that it might be sufficient. No doubt by the present system the opponents of a Bill are able to make use of information which they obtain in Committee in the House of Commons, before the Standing Orders Committee of the House of Lords, and that, no doubt, is very valuable to opponents, and it does give them a better chance; but I think, excluding that, that as regards time, the three or four weeks which they have now would be sufficient to enable them to obtain all the facts which they could obtain otherwise than by what takes place in Committee.

717. Would

717. Would you allow a case to be brought again under the consideration of the Standing Orders Committee, or whatever Committee you would appoint, to determine these questions on the subscription contract in the event of further evidence coming out during the progress of the Bill?

There would be a difficulty there, no doubt, if you excluded that.

718. Now, the question being considered in the House of Commons, before the Committee on the Bill, evidence comes out which enables them sometimes to detect very great flaws and frauds, and those very points are sometimes fatal to the Bill in the Commons; would not that information be rendered useless if the decision was taken early and finally?

Yes. I think that the information which is now elicited in Committee in the House of Commons is no doubt valuable, and the objection to taking the inquiry earlier would be, that you would not have that information. But your Lordship is aware, that at the present moment the whole question is in the power of the Committee in the House of Commons. The Examiner simply inquires into form; if the declaration is complete in its form, he cannot inquire further. Therefore, parties at present are not bound to collect information before they go before the Examiner, for if the declaration is complete in its form, and alleges that the promoters have funds with due precision and without any possibility of verbal evasion, he is bound to be satisfied, and can inquire no further; then it goes before the Committee on the Bill.

719. *Chairman.*] Are you speaking now only of the subscription contract?

I was then speaking of declarations; but as regards the subscription contract, the Examiner is specially limited; he can only inquire whether the parties have signed the subscription contract; whether it bears upon the face of it the particulars which are required by the Standing Orders, and whether it is a legally binding contract.

720. Do you think it is desirable that the Examiner should go more into the merits of the validity of the contract, or would you simply confine him to those technical points to which you have referred?

My view is that it would save expense, and promote uniformity of decision, if it could be so arranged that the same tribunal should go into the whole of that matter. There are difficulties in it, because if the Examiners were that tribunal they must only inquire, of course, into matters of fact; they must send the case up to the Standing Orders Committee, and then the Standing Orders Committee of the House of Commons would have the decision of the question. I think that the Examiners should be allowed to go into the case and report all the facts; but the Examiners could not do more. I think it would not do that the Examiners should be allowed to do more than report all the facts; they do not now in any case report their opinion as to whether the Standing Orders ought or not to be dispensed with; they simply inquire into the facts. I think that all the facts connected with declarations and subscription contracts might be left to them, and that their report might be final upon those facts; but I do not think that they should go further than that.

721. Lord *Redesdale.*] In what manner do railway companies generally appear as petitioners before Committees; in their own capacity, or as appearing for landowners?

Before 1853 they used to appear for landowners, because in their own capacity they were not generally admitted against the preamble, even when their own land was touched. There were conflicting decisions about it; some Committees admitted them, while others confined them to the question of damage by the proposed crossing of their line; but in 1853, in consequence of the Report of a Committee commonly called Mr. Cardwell's Committee, there were two Standing Orders added to those of the House of Commons, which Standing Orders gave them a right in certain cases to appear. The first of those Orders gave them an absolute right to appear against the preamble of every Bill which proposed either to take compulsorily any land of theirs, or to take compulsory running powers; since 1853, therefore, all railway companies and canal companies whose property is touched have been heard directly. There was another Standing Order which allowed them to be heard on the ground of competition, if the Committee thought fit; that is to say, leaving it to the Committee to hear them or not. Under that Order a great many have been heard; some have been excluded, the Committee not thinking fit to hear them.

C. E. Thomas, Esq.

5th July 1858.

722. Then that is a point which you think it would be desirable to have determined by a fixed Committee, and not by the Committee on the Bill; it is a question of *locus standi?*

I think that if there were a question of *locus standi*, it would be most desirable that the whole question of *locus standi* should be determined by the same tribunal; that is to say, whether there should be a *locus standi* at all; or if so, whether it should be qualified, or to what extent it should be qualified.

723. Do you not think that it is desirable that if there is a railway opposition to another railway Bill, it should be openly the opposition of a railway company, and not covertly, through the application of a landowner?

Most desirable.

724. And do you not think that it is desirable that there should be some Committee upon which the House could place reliance, which should determine whether another railway company had a case to appear against a projected line or not.

Yes; I think it is most desirable that a Committee in whom not only the House, but in whom the suitors in Parliament should have confidence, should have the power of determining that matter. I think that the right should be defined in Standing Orders, so far as it can be defined, for the sake of the suitors, and that nothing should be left to the Committee which it is not necessary to leave to them, inasmuch as certainty is so very desirable with regard to the saving of expense, so that the parties might know beforehand within near limits whether they would be heard or not, and that the rest should be left to that tribunal. There is a little difficulty about the Standing Order with respect to leaving the right to be heard on the ground of competition, because it is so difficult to define what competition is. All railways between the same points are in one sense competing. You may have a railway from London to Birmingham, and another no doubt in one sense competing with it between the same places, *viâ* York; it is a railway between the same termini. I think the reason why the option was left to the Committee in that Standing Order was, that it was so difficult to lay down or to define what degree of directness or indirectness in competition should give a *locus standi*; but it is most desirable that you should determine that point as nearly as possible by Standing Order, and I think that after the Standing Order had determined it as far as possible, the whole question of *locus standi* should be regulated by this new Committee.

725. *Chairman.*] In expressing the opinion that this question of *locus standi* should be settled by a Committee, whose duty it should be to investigate such matters, and not by the ordinary Committees on the Bills, I suppose you would rather that that practice should be pursued by both Houses; it would not be desirable that one course should be taken by the House of Commons and another by the House of Lords?

It would be better to have it in one House than in neither; it would be better to have it in both than in one.

726. The great object of referring the question to a panel of chairmen, or a committee of that sort, would be to secure uniformity of opinion?

Yes.

727. And if in one House you still left these matters to be settled by each separate Committee, you would gain very little in avoiding that diversity of opinion which is now so prejudicial?

There is so very much larger a proportion of cases contested in the House of Commons than in the House of Lords, that the greater importance would attach to having the proposed system in the House of Commons if we could not have it in the House of Lords; but I should like to see it adopted in both Houses.

728. I suppose your general opinion is, that it is very desirable to make identical, if possible, the Standing Orders, and the general course of proceeding with regard to Private Bills in both Houses of Parliament?

Certainly; and I believe that that is the opinion not only of myself, but of all the practitioners.

729. Can you give the Committee any information with regard to the ordinary expenses attending upon Private Bills; what, for instance, would be the average expense of unopposed Bills?

I can

C. E. Thomas, Esq.
5th July 1853.

I can only state the expenses with reference to the department in London, comprising the Parliamentary agent's account and the House fees. I have taken the last 40 unopposed Bills which have been passed into Acts by the firm of which I am a member; they are taken without any other distinction than whether they are opposed or unopposed. I have divided them into three heads. The average of the Parliamentary agent's professional charge over the whole 40 is 127 *l.* 2 *s.* 7 *d.* The average charge by the two Houses of Parliament for fees is 199 *l.* 14 *s.*, and the average charge for printing is 35 *l.* 7 *s.*

730. Making in the whole, what?
£. 362 3 *s.* 7 *d.*

731. That does not include either counsel's fees or the charges of the solicitor for the Bill who brings it up from the country?
No; there would be in these unopposed Bills no counsel's fees; there would be the solicitor's bill, and in cases where they are Railway Bills, the engineer's bill; and there would be such witnesses as were necessary to prove an unopposed case.

732. You have no means of giving the Committee the amount of expenses consequent upon those services?
I have not.

733. Earl *Stanhope.*] When you say that there are no counsel's fees, does not it sometimes happen that in unopposed Bills the promoters retain counsel on the idea that there may be opposition?
Yes, it may be so in some few cases; but there would be 5 *l.* 5 *s.* only in that case.

734. *Chairman.*] Will you mention the maximum and the minimum in those unopposed cases?
Here is one bill which happens to be the minimum of the Parliamentary agent's charge, 89 *l.* 8 *s.* 10 *d.* for one Act.

735. Lord *Redesdale.*] Which was that?
The London Docks; a money Bill.

736. *Chairman.*] Does that include House fees?
No, that is the professional charge; the House fees in that case were 416 *l.* 9 *s.* 2 *d.*, and the printing was only 16 *l.*

737. Lord *Redesdale.*] That was a money Bill?
Yes.

738. And the capital was very large?
Yes; the House fees were *ad valorem.*

739. *Chairman.*] That was the minimum of Parliamentary agents' charges, and the maximum of House fees?
It is exactly so. Then the maximum of Parliamentary agents' charges is 185 *l.* 18 *s.* 8 *d.*

740. What kind of Bill was that?
That was a Gas Bill, the Birmingham Gas Bill; there happened to be a great deal of trouble with it: the maximum of House fees I have given; it is 416 *l.* 9 *s.* 2 *d.*, and the maximum of printing is 75 *l.*; the minimum of House fees is 160 *l.* 14 *s.* 10 *d.* I may add, that in every one of the 40 cases the House fees exceed the Parliamentary agents' charges.

741. Can you also give the Committee a return of the charges upon the opposed Bills in which your House have been concerned?
I can furnish it for the same number of opposed Bills of ours, divided, as before, into three heads, viz., average Parliamentary agents' charges on the 40 opposed Bills, 247 *l.* 17 *s.*; average House fees, 403 *l.* 14 *s.* 7 *d.*; average charge for printing, 95 *l.* 7 *s.* 1 *d*; total average per Bill, 746 *l.* 18 *s.* 8 *d.* Maximum Parliamentary agents' charges, 475 *l.* 10 *s.* 8 *d.*, and minimum, 124 *l.* 19 *s.* 8 *d.* Maximum House fees, 1,344 *l.* 2 *s.* 4 *d.*, and minimum, 194 *l.* 14 *s.* 10 *d.* Maximum charge for printing, 257 *l.*, and minimum, 29 *l.* 4 *s.* Then there are the Road Bills; there are no House fees charged on those Bills, that is to say the Treasury pay the House fees.

C. E. Thomas, Esq.

5th July 1858.

742. When did that regulation commence?

A very long time ago. I have the last 25 unopposed Road Bills which we have passed in which the average Parliamentary agents' charge is 141 *l.* 9 *s.* 10 *d.*, and the average printing is 52 *l.* 10 *s.* 8 *d.* I have the last five opposed Road Bills to show how in Road Bills the opposition does not very much increase the expense where no counsel are employed. In the last five Road Bills opposed, the average charge of the Parliamentary agent is 182 *l.* 10 *s.* 3 *d.*, and for printing, 76 *l.* 9 *s.* 2 *d.*

743. It would seem from that, that the printing bears a very large proportion to the Parliamentary agents' charges?

It does.

744. Has it ever occurred to you that any course might be taken by which the expense of printing might be diminished?

No, I think not, unless there were fewer copies allowed; at every stage there are a number of copies obliged to be deposited in the different Houses whenever the Bill is amended, and a number of copies are required for the use of promoters and opponents.

745. Lord *Redesdale.*] How many copies are required?

About 100 copies of Bills are required to be deposited at the offices of the two Houses in the first instance, including those deposited at the various stages; but whenever the supply is exhausted, the officers of the House send to the agents for more. No copy of a Private Bill can be bought, and therefore the promoters of the Bill must in practice supply all the copies that are required by opponents and for use in the country. The total number of copies actually required in practice varies from 240, which would be sufficient in a Naturalization Bill, to 1,200, which might be required in a Bill such as a Liverpool Docks Bill, but the number usually ranges between 500 and 800. Where the Bill is of the second class, the subscription contract or declaration and estimates for both Houses are required to be printed, and about 60 copies of each of them are required for deposit in both Houses, besides those required for use by promoters and opponents.

746. Generally speaking, do you consider that the expense of carrying a Bill through Parliament has been reduced since you commenced business in 1845, or that it has remained the same, or that it has increased?

It has been considerably reduced.

747. Both for opposed and unopposed Bills?

Yes; and the course of procedure has been rendered much more certain and uniform, and the possibility of calculating how much it will cost has been rendered much more easy.

748. Then you think that a great improvement has taken place in the management of private business in the House since you commenced business?

Certainly, a very great improvement.

749. Earl *Graham.*] In the case of unopposed Road Bills, you state the expenses to be generally something under 200 *l.*?

That excludes the solicitor's bill; you may take the whole expense to be under 300 *l.*

750. Generally speaking, a Road Bill costs about 500 *l.*, does it not?

No, I think not; I mean 300 *l.* altogether.

751. Practically speaking, do not the Road Bills generally cost 500 *l.*?

Here are the last 25 that we have passed; there the average amount is 194 *l.*, exclusive of the solicitor's bill; then as to witnesses in an unopposed Road Bill, the clerk is generally a solicitor, and he is the principal witness, and it is probable that the surveyor is the only other witness.

752. Do you know what the country solicitors charge?

I have seen their accounts; and from the amount of business which they do, I should say that you may take from 100 *l.* to 150 *l.* to be the sum.

753. *Chairman.*] Do you think that it would be possible to save the expense of bringing up the clerk or other witnesses by accepting an affidavit or certificate of their evidence, to satisfy Parliament of the matters concerned?

In

In Road Bills I should state that the Committee are generally the same Committee in the Commons, and that they investigate the matter very closely. They have a report from the Home Department upon the matter; but they investigate the matter very closely, and I hardly think that, consistently with their present system of investigation, they could thoroughly investigate the case without having the clerk and the books; they treat the Bills rather as opposed Bills; that is to say, they go into them with great minuteness, and cross-examine with considerable skill, the Members having acquired a knowledge of everything having reference to the subject.

754. Lord *Redesdale.*] Do you think that the proofs on an unopposed Road Bill, which require to be given in evidence before the Committee in the Lords, might be certified from the Committee in the Commons?

Yes, I think it would be a great advantage, and that a great deal could be certified. The unfortunate difference exists, that evidence in your Lordships' House is taken on oath, and in the other House of Parliament not on oath; otherwise I have no doubt that a very great saving could be effected in Private Bills if those matters which were not contested, and which were proved in the one House, could be certified in the other, as is the case in the House of Commons with regard to Estate Bills; they take the proofs which have been given in the House of Lords.

755. In Turnpike Road Bills the evidence taken before the Committee in the Lords is entirely evidence on books and fact, is it not?

Entirely.

756. It therefore could very well be certified even without being taken on oath?

Yes.

757. *Chairman.*] Do you think that it would be necessary for that purpose that the House of Commons should have the power of administering an oath to their witnesses?

No; not necessary if the House of Lords would accept evidence not taken on oath; if they would do that the same object would be attained, which would be of great advantage to parties.

758. Do you think that it would be an advantage in the conduct of business that the House of Commons should have the power of administering an oath if it were thought desirable?

Certainly; I think that, in order to obtain greater certainty of evidence, and also with the view of its being made available in the House of Lords, it would be most important; I think that it would really save very considerable expense if all uncontested facts, when once deposed to on oath in the House of Commons, were taken as proved in the House of Lords.

759. And you think that there would be no objection in the case of all unopposed Bills in the House of Parliament in which the Bill did not originate, accepting a certificate or affidavit of the evidence taken in the other House of Parliament, which should be conclusive, unless it should seem to them that there was any matter requiring further examination, so as to prevent the necessity of a double procedure, the parties only being put to the expense of proving their case before one tribunal?

Certainly.

760. Does any inconvenience practically occur to you in carrying that system into effect?

Not if the evidence was taken on oath in both Houses, and was thus of the same character, and assuming the Bill to be an unopposed Bill.

761. Lord *Redesdale.*] Do you not think that advantage and economy would arise if the House of Commons were to give up some points of what they consider their privilege with regard to money questions upon Private Bills?

Yes; there would be a certain saving of expense in Bills in consequence of the giving up the privilege, and in that case possibly something might also be done in the introduction of Bills into the House of Lords first, permitting suitors to introduce their Bill into whichever House they thought fit in the first instance.

C. E. Thomas, Esq.

5th July 1858.

762. Do you think that any advantage would arise from that introduction?
This advantage would arise, that there would not be that number of Committees sitting at the same time in the House of Commons which there is now, which is an evil of which the Members of the House of Commons complain.

763. If you left the option into which House the Bills should be introduced to the promoters of the Bills, would it not be impossible to get Bills considered together which ought to be considered together?
I think it might be necessary to have some machinery provided, such as the certificate of some officer of the House, or of the Chairman of Committees of the House, in order to prevent any such inconvenience arising from it; I think that a Bill might be introduced into either House, subject to a certificate of some officer of the House.

764. Do you not think that the fact of the inquiries going on simultaneously in both Houses under the system of exchanging Bills, would, by affording more time, lead to protracted opposition?
No; it does not occur to me that it would increase opposition at all; I think that in a great majority of cases opponents are satisfied with one fight, and in whichever House it may take place, there is a great tendency in opponents to submit, and not to incur the expense of a second contest; therefore I think that that would apply if the Bill was introduced in the House of Lords, and on its coming to the House of Commons, I think that in a large proportion of cases there would be no second contest.

765. Viscount *Hutchinson.*] That observation I suppose applies to private opponents, not to public companies?
To private opponents, and also to weak companies. No doubt railway companies with a very large capital can afford to contest the matter, but with smaller companies, who are interested, such as gas companies or water companies or canal companies, when they have had one fight, we find that there is a great indisposition on their parts to fight the matter a second time.

766. Do you think that the evil of continued and pertinacious opposition to Bills might be met in any way by giving to the Committee the power of imposing costs upon opponents, if the Committee should be of opinion that their opposition was frivolous and vexatious?
I think that there are great difficulties in that matter, and I think that the balance of difficulties is against the proposition to give costs; I think that you must necessarily give them on both sides; I think that there would be great abuses if you only gave costs to promoters against opponents or to opponents against promoters; if given to one, they must be given to the other. Then, I think that, as regards opponents, it would change the character of opponents of Bills; I think that the *bonâ fide* opponents, for instance landowners, although they might be ready to spend a certain sum in the protection of their property or rights, would not be disposed, nor would a respectable practitioner, I think, be disposed to advise them to incur the risk of having to pay their own expenses, and, perhaps, 200 *l.* or 300 *l.* to the promoters; I think that they would rather not oppose at all; whereas I think, on the other hand, that the chance of getting costs will bring forward a class of less respectable practitioners, who would oppose for the sake of getting costs and on the chance of getting costs. I think that a tribunal constituted of five Members, in which a majority of three Members might give costs, would be such a tribunal as those who might be liable to costs would be very much afraid of. I think that it would be impossible to say to an opponent, "Your case is so good a one, that under no circumstances can you have costs given against you." I think, therefore, that respectable practitioners would advise an opponent not to oppose; I think that in that way the system might diminish opposition, for I think that it would render any landowner or person having a *bonâ fide* case for opposition very unwilling to oppose, whilst it would create a new class of opponents of a less respectable character.

767. You are aware that Committees of the House of Commons have that power with respect to election petitions?
Yes, they have; but I think that there is a difference in the subject-matter; I think that in election petitions, the one side is wrong and the other right.

I think

I think that in matters of Private Bills dealing with questions of public policy, they may be both right to a considerable extent. It may be, for instance, that in the public interest either of two works, or two modes of carrying out a work, may have some good points; they may be each right to a certain extent, and I do not think that there is any analogy between that case and the case either of an election petition, where one is right and the other wrong, or of a court of law, where it is a question of being legally in the right or in the wrong.

768. *Chairman.*] Are not the cases, even in Election Committees, where the petition is found frivolous and vexatious, very rare?

They are very rare. But what I object to is, that the possibility of having costs awarded against you might put an end to *bonâ fide* oppositions, and would bring forward a class of an opposite character.

769. Viscount *Eversley.*] Assuming that the House of Commons could be prevailed upon to waive its privileges with reference to Private Bills, do you think that any advantage would be gained by two officers of the two Houses, for instance, the Chairman of Committees of the House of Lords, and the Chairman of Ways and Means of the House of Commons, dividing the private business equally between the two Houses, so that one-half might begin first in one House, and the other half in the other?

I do not know that there would be any great advantage. As regards the unopposed Bills, there is no pressure; no inconvenience arises from a number of unopposed Bills being in Committee on the same day, or being in Committee before the Chairman of Ways and Means; it is otherwise with opposed Bills; but I do not know that there would be any great advantage in dividing the unopposed Bills in that way, inasmuch as they do not create any pressure.

770. I am speaking with reference not to unopposed Bills, but to opposed Bills?

No doubt anything which would enable the opposed business to be got on early in the Session, without imposing too much labour on the Members of either House, would be a great advantage.

771. I understood you to say just now, that it would very much diminish the number of Committees sitting in the House of Commons at the same time?

Yes.

772. Would not that very much reduce the expense; are not parties now obliged to retain a greater number of counsel in consequence of the number of Committees sitting at the same time, so as to secure the presence of some one counsel before a particular Committee?

Yes; I think that any system which would diminish the number of Committees sitting at the same time, and the pressure, would be a convenience, and in that respect, as regards counsel, also a saving of expense.

773. Lord *Redesdale.*] But do you think that it would reduce the number of Committees sitting at the same time if you had Committees also sitting on opposed Bills in the House of Lords?

If there were the same number, of course it would not, but it would reduce the labour which is imposed upon so very large a number of Members of the House of Commons, and it would be most desirable I think to do that.

774. *Chairman.*] Would there be any inconvenience to the Parliamentary agent in the business beginning indiscriminately in both Houses of Parliament?

It would not be quite so convenient to us; but I was not looking with a view to our interest. I do not think that it would make very much difference. At present for three weeks or a month after Easter there is a very great pressure of Committees in the House of Commons, and any scheme which would diminish that pressure, would be a convenience to the Parliamentary agent; no doubt he might have a greater pressure upon him in the earlier months than he has now, but it would be spread over a longer time, and on the whole I think would be an advantage.

775. Lord *Redesdale.*] Do you not think that a great advantage has been gained by fixing a time for the second reading of Bills in this House?

I do.

C. E. Thomas, Esq.

5th July 1858.

776. Do you not think that if you were to divide the business in the manner which is proposed between the two Houses, it would be necessary, in order to attain the same advantage, that an earlier day should be fixed for the termination of private business?

No, I think not.

777. Do you not think that a great deal of the prolongation of contest arises from its being carried on for about as much time as parties can afford to remain before Committees in the Commons?

No; I do not think that the contest is terminated by the desire or necessity of parties going out of town.

778. But by the necessity of getting the Bills up to the House of Lords within a given period?

I think that one of the hardships of the present system is, that promoters of Bills who happen to get their Bills grouped late, notwithstanding their applications, are more at the mercy of their opponents in the latter Committees in the House of Commons in the month of June than they ought to be; they are obliged to compromise and settle oppositions in order to hurry up to the House of Lords to be in time, and I think that that is rather a hardship upon promoters of Bills, assuming that it is not their own doing that they are late.

779. Do you not think that the time allowed for petitioning against Bills in the House of Commons might be advantageously shortened?

It is at present seven days after the second reading. I think that that is quite short enough, because the petitioners do not become aware of the contents of the Bills immediately. I think that the time from the deposit of the Bill to the eighth day after the second reading is not too much; but I think that the advantage which your Lordship seems to contemplate might be attained by making promoters deposit their Bills a week earlier, namely, on the 24th of December instead of the 31st; that would expedite matters a week, while it would give to opponents the same time as at present to learn the contents of Bills, and to petition against them. I should suggest that the deposit should be a week earlier, and that the Examiners should sit a week earlier also; that would make a very considerable difference, because there would then be a very much larger number of Bills ready to be read, and to go on at once when Parliament met in February.

780. Do you not think that the time for presenting petitions might be a fixed day after the Bills were deposited, rather than a day after the second reading, which is an uncertain time?

Perhaps it might be so after it became generally known; after that practice had prevailed for a Session or so, everybody would have had notice; but at present people know that they will have so many days after the second reading, and they rather rely upon that, and it has become generally known. I think that any change in that respect, would cause a good many surprises and misapprehensions.

781. Do not you think that in fact there would be less reason to expect surprise if the time for presenting a petition were a fixed time after a fixed day rather than a time after an uncertain day; assuming the time to be the shortest time instead of the longest time that now can be had, do you not think that it would be sufficient?

I think that it would be sufficient after the change had become known.

782. That is to say, that if it were to be declared in the Standing Orders at the close of one Session that in the next Session an earlier time for presenting petitions would be required than has generally been the practice, it would be sufficient notice?

During the next Session it would follow, as it always does, that there would be a great many people who would be misled by the old practice; but it would work itself right in a Session or two. When the last change was made, it was found that there were a very great number of persons misled. In any change of that kind there are in the first Session or two a good many people who do not get notice of it, and who say that they have relied upon the old system; but, no doubt, after it had become the practice for a year or two it would be sufficient; I think that in itself the period would be sufficient.

783. Viscount

783. Viscount *Eversley.*] Parties are aware now of the contents of the Bills when the petitions are presented, are they not; is there not a copy of the Bill attached to the petition?

When the petition is deposited on the 31st of December at present there is a print of the Bill attached, and there are also prints which may be obtained from the agents for the Bill for sending down into the country.

784. Then there is no reason why parties should be taken by surprise seeing that there is that long notice?

No; practically it comes to this, that railway companies, and those who are in the habit of being in Parliament every Session, would know it, and would be instructed by their Parliamentary agents; but those who do not often appear in Parliament, would rely upon the old system until the change had become known.

785. Lord *Redesdale.*] How does a person living in the country know when the second reading of a Bill is fixed?

They see the first reading in the newspapers, and that is practically a week before the second reading.

786. Is not the second reading sometimes deferred; it does not follow as a necessary consequence?

There is a time limited in the Standing Orders within which the Bill must be read a second time. The Examiners get through 20 or 25 Bills in a day, and therefore a week more than there is at present would bring, I should say, three-fourths of the Bills which are introduced into Parliament ready to be presented at the usual time of the meeting of Parliament. The Examiners now begin on the 24th of January; they might begin on the 17th of January, and then the Bills would be ready to be introduced into Parliament, and read on the second day of the meeting of Parliament.

787. *Chairman.*] As a Parliamentary agent, is it your habit to give advice to the solicitor for the Bill as to the employment of counsel?

We are often asked to recommend amongst the Parliamentary counsel any-one whom we may think suited to a particular case; we do not, as your Lordship is perhaps aware, employ counsel ourselves; we simply advise if we are asked, and our advice if asked is only asked upon the question of employing, amongst those counsel who are at the Parliamentary Bar, some one who may be fitted for the particular case.

788. Would your opinion be asked if any very eminent counsel were employed, as to the amount which was to be put upon his brief for engaging his services?

Yes, it is sometimes asked.

789. Do you think that the charges of counsel who are employed before Parliament are unnecessarily high; do you think that there is any sufficient reason why the counsel employed before Parliament should be paid at so much higher a rate than when employed before the ordinary courts of justice?

There does not seem *à priori* to be any reason for it, but, practically, there is an agreement at the Bar that unless certain fees are paid, no honourable man can take a brief; and it would not be the interest of any suitor in Parliament to employ a man, who, contrary to that well-known rule, should take a brief.

790. But is it not the fact that at a comparatively recent period the counsel have by these agreements amongst themselves increased the amount of payment made to them: we are informed that whereas formerly the fee upon the brief covered the first day's attendance, at the present moment the first day's attendance is added to that fee, which was not formerly the practice; is not that so?

I believe that that is so. The principal grievance which I hear mentioned amongst the suitors is the large amount of the minimum fee; the minimum fee is, practically, 30 guineas, although the counsel whom you may wish to employ was only called yesterday. The natural effect of the very large amount of that minimum fee is, that suitors, if they have to pay it, employ the men who are in the largest practice, because they say that if they are obliged to pay 30 guineas, they will pay it for a man who has a large Parliamentary experience; and one effect of that is to throw business into few hands, and to

C. E. Thomas, Esq.

15th July 188.

prevent the Bar being as large, and the choice therefore being as great as it otherwise might be.

791. Is it not the fact that no suitor can have the assistance of the most insignificant counsel upon the most unimportant case for one day under 30 guineas?

That is so,

792. Earl *Stanhope.*] Can you explain how the change arose of the brief fee having originally covered the first day's attendance, and of that having ceased to be the case?

No; it is a little indefinite. The daily fee is 10 guineas. Now, of course if the brief were marked 20 guineas, and the counsel were told that that was to cover the first day's attendance, he would have no right to object, because there would be the 10 guinea fee on his brief, and 10 guineas for the day. Therefore, in all such cases, you can hardly say that there has been any alteration in the rule. The rule could have had no operation unless the brief was marked with a less amount than would suffice for the brief fee of 10 guineas, and the daily fee of 10 guineas. At the present moment, if a brief were to be marked with a 20 guinea fee, and if it were written upon the brief that that was for the brief fee, and for the first day's attendance, the counsel could not object. I mean that there is something a little indefinite, I think, in the way in which the case is put, because, in order to prove that this change has taken place, one would have to show that briefs were marked formerly with fees less than 20 guineas, and that they still covered the first day.

793. What led to the consideration of this subject, and to the change of system?

I think that it has been going on insensibly; I do not think that there has been any express change.

794. Does that ever practically happen, which you now describe as possible, namely, that a brief is marked to include the first day's proceedings, or is it merely a theoretical case?

Upon this point, I have made inquiries of gentlemen senior to me in the profession. On their stating the fact, as it has been stated here, they have told me that the fee marked was 20 guineas or 25 guineas, and that it included the first day; to which of course my remark was, that that proved nothing, because one can at present do the same. In answer to the question whether I have ever seen it, I have seen a brief so marked, and I am quite sure that no counsel would object to take it; it is immaterial to them so long as the 10 guinea brief fee and 10 guinea day fee are given; their rule does not preclude them from taking it in that form.

795. Lord *Redesdale.*] Do you see any reason why they should not take a brief marked 10 guineas to include the first day also?

I think that it would be very much for the interest of the junior Bar that they should do so.

796. Do you not think that in former times any brief which was marked with 10 guineas would have included the first day's attendance upon that brief?

I cannot speak to that, because the time which your Lordship is speaking of was before 1845, and before I practised.

797. *Chairman.*] Do you see any objection to reverting to the original practice by which the fee upon the brief was to include the first day's payment?

I think that it would be most desirable for the suitors if the junior counsel could be induced in any way to take less fees than they do now, and to render the same services.

798. Lord *Redesdale.*] Do you think that there is any reason why the scale for attendance before Parliamentary Committees should be higher than the scale for attendance at the Bar?

There may be a reason for its being a little higher, but I think that there can be no reason for its being five or six times higher, as it is in the case of the 30 guinea fee. No doubt the fact of there being no prizes to look forward to at the Parliamentary Bar, no judgeships or other prizes, leads to the counsel requiring rather a higher fee, and also the fact that the Parliamentary Session,

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as far as counsel are concerned, is limited to about three or four months. That is another ground why, if they exclusively devoted their time and attention to it, it might be reasonable that there should be a greater fee. But the amount of 30 guineas, as compared with the fee which the same junior counsel would have in any court of law, is, of course, five or six times as large.

799. *Chairman.*] Even if it should be found impossible or difficult to reduce the fees which are allowed to counsel, is there any other course that you can suggest which might be adopted for reducing the expenses of counsel, such as limiting the number to be employed, or not allowing a fee in cases where counsel have not been present and heard the argument?

Limiting the number to be employed in any case would, I think, lead to some inconvenience and some convenience; it would lead to some inconvenience to the suitors, because if they took two counsel who were in several Committees, perhaps they might be left without them; but it would no doubt lead to the bringing in of a larger number of counsel to practise at the Parliamentary Bar, because I think the promoters of Bills would then find it necessary to have one gentleman at least who would agree to devote his exclusive attention to the particular case while it lasted, and, therefore, I think that limiting the number of counsel would have the effect of increasing the number at the Parliamentary Bar; I do not know that it would be advantageous in any other way.

800. Viscount *Hutchinson.*] Is it not practically the fact that the junior counsel in each case now does devote his exclusive attention to the particular case for the day?

I do not think that that is so, unless by special stipulation; I think that of those gentlemen who are in considerable practice, and who have had considerable experience, it would be very difficult to find any one who would engage to devote his attention exclusively to one case.

801. *Chairman.*] As a Parliamentary agent, have you anything to do with the charges for surveyors, and engineers, and witnesses, or is that left entirely to the solicitor for the Bill?

That is left entirely to the solicitor for the Bill.

802. Of course you must have some experience in the matter; do you think that there would be any advantage to have a scale for witnesses and other matters which would be considered by the taxing officer?

I think that there ought to be a proper legal allowance for all services done, and that that should be plainly and clearly specified, both as a direction to the parties employed, and also to enable a proper inquiry to be made into it in every case, if desired by the client; I think that a scale for everybody should be distinctly fixed and settled.

803. Have you ever considered the subject of a taxation of the Bills, and whether it would be desirable to adopt a system of compulsory taxation in the case of all charges?

I have; I think that a compulsory taxation, confined only to Parliamentary business, would affix a stigma upon all those employed in it, and would be very disagreeable to them; it would be as much as saying, that whilst in the courts of law and equity, and elsewhere, there was a scale laid down, and a right given to the employer to use it if he was dissatisfied, yet in Parliament nobody should be allowed to be a suitor unless upon the terms that the gentlemen whom he employed should have their bills taxed; it would be, as it were, affixing a stigma to the class of practitioners in Parliament, which would be affixed to them alone of all classes of professional men. I speak not only my own opinion, but also that of other Parliamentary agents, in thinking that it would be a very serious objection.

804. If the power was universal, could it well be considered as a stigma, and particularly when the matters to be included in the bill were such as the charges of witnesses, surveyors, engineers, and others, which are fluctuating, and which it would be very desirable to have taxed, whereas the charges of Parliamentary agents would be fixed?

The stigma which I think would be attached would be this, that those who practise within the walls of Parliament would be the only professional men who would not be allowed to be employed unless their bills were taxed. It would

C. E. Thomas, Esq.

5th July 1858.

would be this: there are certain gentlemen practising in the courts of Parliament; you cannot employ them except upon the condition that their bills shall be taxed; you, the suitor, shall be deprived of your right of saying whether or not you will tax their bills; if you employ those gentlemen, then it shall only be upon the condition that you shall tax their bills.

805. Have you not stated that a great part of the expenses are matters of which you are not at all cognisant, and which, in fact, make up the most expensive portion of the bill, namely, all those expenses in which the solicitor for the Bill is concerned, that is to say, the charges of witnesses, of engineers, and surveyors, and the fees to counsel; all those are matters in which the Parliamentary agents, as I understand you, are not immediately concerned?

That is so.

806. Would it not be desirable, then, to have those matters subjected to a taxing officer, even if the Parliamentary agents were to be exempted from it?

I would give the same rule for all. It seems to me that it is the right of the employer of all professional men, or of all labour, to have a scale certified by law, according to which the charges are to be made, and that every possible facility should be given to every employer to have that scale applied, and to have the charges taxed. I think that such scale should apply certainly to all parties employed, without any exception whatever, and that the more elaborate that scale was, and the more it provided for every case, the better, and that every employer should have every facility afforded him for the taxing of all claims on him according to that scale; but what I object to is, that for matters in Parliament alone there should be compulsory taxation, whilst in all other matters in law or Chancery it is left to the employer to put in force the taxing scale or not.

807. Earl *Graham.*] It has been suggested that it would be much less invidious if it was compulsory, than by giving the power of taxation wherever a person who employed a professional man fancied that he had been charged a little too much?

But the effect of it would be this: Supposing that the opponent of a Bill were to employ a professional man, I say that he ought to be able to tax the professional man's bill, and the bill of the engineers, and everybody, and that there ought to be a scale provided; but the proposition is, that he should be compelled to tax the bill; that he should not be allowed to employ gentlemen practising in Parliament unless upon the condition that he should tax their bills, and be subject to a penalty if he did not, because it would be ineffective if he was not so subjected. Again, in the case of a company, if it were enacted that a company's Parliamentary expenses should be taxed, I think it would be invidious, unless it were also enacted that all that company's expenses in their Chancery suits, and in their common law business, should likewise be taxed.

808. Viscount *Hutchinson.*] Would it not, in point of fact, be introducing a new principle altogether?

I think that it would be a new principle if the employer of a professional man were to be subjected to the condition that he should tax his bill as a condition of employing him.

809. When a private individual employs a solicitor or an attorney to transact business for him, is it not a matter entirely within his option whether that solicitor's or attorney's bill shall be taxed or not?

Clearly.

810. And it is only necessary to tax that bill when the costs have to be paid by the opposing party in a suit, or where they are to be paid out of a trust fund?

That is so.

811. So that the compulsory taxation of costs in all cases would be an entirely new principle?

Entirely; and if pointed at a particular class, namely, those who practise within the walls of the two Houses of Parliament, it would, I think, be considered by them (indeed that would be their only objection to it) a stigma upon them; and it would place them in a different position from any other profession.

812. *Chairman.*]

812. *Chairman.*] If that feeling of its being a stigma were removed, would it not contribute to produce uniformity, and a reduction of charges?

It would produce uniformity as to taxation; but there is another point. Unfortunately taxation cannot reach cases of disreputable practice; for instance, if three counsel or four counsel are employed when two would have been sufficient, or if twenty witnesses are brought up when five would have been sufficient, all those things will be allowed, necessarily, by the taxing master, as a matter of course; it is impossible that the taxing master can go into the complicated question whether ten witnesses, more or less, were necessary for a Committee in the absence of the parties; those persons, therefore, who were determined to act disreputably would, notwithstanding taxation, equally do so.

813. Might not any excessive remuneration given to a party who had been examined or employed upon a Bill be a fit subject to come under the consideration of the taxing master?

The particular amount of a particular charge would come under the control of the taxing master, but the question of how far it was necessary to employ three or four counsel, or to bring up eight or ten witnesses, or to serve 100 notices instead of 50, would be a matter which it would be practically impossible for the taxing-master in any unopposed taxation to go into at all, because the whole merits of the case would have to be developed before him in order that he might judge, which no taxing master would do, or ever does. If taxation was rendered compulsory, the great majority of cases would be unopposed taxations, and then those who had a mind to act in a disreputable manner would be easily able to swell their costs; a good deal must depend upon the conduct and fair dealing of the practitioner.

814. Lord *Portman.*] Take the case of an opposed Bill before a Committee; would it not be competent to that Committee, if they saw that a great number of witnesses were brought whom they thought unnecessary, to state that fact, and to make an order upon the taxing master to disallow those costs?

They might do so.

815. Would it not be at their discretion to give them or not?

If costs were given between party and party that might enter into the consideration, but I do not think that practically, unless there were costs given a Committee would be inclined to enter into it. They generally stop the examination of witnesses when they are satisfied, and they do not know how many witnesses there are in attendance. If they had had the exemplary patience to hear 20 witnesses, although they might think that 10 would have been sufficient, they might possibly say that the other 10 were unnecessary, but they would hardly I think give a direction to the taxing master unless they went into the case further, and ascertained whether or not the solicitor was *bonâ fide* an honest man, and really believed that those witnesses were necessary, although the Committee thought they were not.

816. Supposing a great case of abuse arose, would it not be competent to that Committee to go into the matter for that purpose?

Yes, it might be done.

817. You state that all these expenses are at the option of the employer?

Yes.

818. Is it therefore a fair charge against Parliament that the Parliamentary expenses caused by Parliament are exorbitant?

No. I think that the suitors in Parliament have a very large option and discretion as to the expense which they will incur, and that a very large portion of the expense which is incurred is in consequence of their electing to retain perhaps two or three most eminent counsel, and to conduct their case in a manner which is best calculated to give them a chance of winning, but without regard to the expense which they may incur.

819. Supposing there is a case on record of the parties having elected to give a counsel 1,000 guineas for a single speech, is it fair to charge Parliament with the exorbitancy of that payment?

It seems to me that it is not at all incident of necessity to the tribunal of Parliament that such expenses as that should be incurred.

C. E. Thomas, Esq.
5th July 1858.

820. Viscount *Hutchinson.*] With respect to the question of unnecessary witnesses, are you sufficiently familiar with the taxation of costs at law to be able to say whether, in the case of a trial at law, the taxing master who taxes the costs as between party and party, has authority to enter into the question of whether or not the number of witnesses was more than sufficient for the purpose of proving the facts which they were called to prove?

I am not. I practised a very short time as a solicitor myself, and I am not sufficiently conversant with that matter to be able to answer the question.

821. If it is the fact that the taxing master has not any authority to enter into that question, how would it be possible for the taxing officer of this House to make a similar inquiry?

Even if the taxing master in an action at common law had a discretion, I still think that the cases are so different that in Parliament it would be impossible that it could be so exercised. In an action at law the issues are defined, and that which is evidence on a particular issue can be easily defined; but in a question where public policy is concerned, and in a question whether a particular public work should be made or not, it would be quite impossible that a taxing officer should go into the question as to the number of witnesses who should be called, because there would be allegations in the petition which it would be necessary to meet, as well as the general allegations in the preamble to be proved; and it would be a little trial of the case before the taxing officer, which, of course, he would not think of going into; it would be impossible that he could do so; I think that even in an opposed taxation, where their necessity was challenged, he would have the greatest possible difficulty in arriving at a decision to disallow witnesses, if there were, as I assume in these cases there would be, clever management, where there was an intention to act disreputably.

822. *Chairman.*] Have you any suggestion to make as to any course which might be pursued for the purpose of improving the practice of Parliamentary business, with a view to diminishing expense?

There may be a question as to the number of the Committee; the pressure is rather upon the House of Commons than upon the House of Lords; but I believe it is thought generally by the Parliamentary agents having the principal business, that the number of the Committee might possibly be reduced, and that by such reduction a greater weight might be given to the Chairman if it were determined to have a Chairman's panel; in that case the proposal would be to reduce the number to four or three; four would be better than three, if it were intended to give greater weight to the selected Chairman, because, in the case of the tribunal being three, no one could be decided against unless two were against him, but if it were four, no one could be decided against unless two were against him, of whom one should be the Chairman; and if it be intended to give greater weight to the Chairman, I do not see how that weight can be given unless you give him some additional voting power beyond what he has at present.

823. Do you think that there has been considerable advantage gained in the House of Commons from having the Chairman appointed from the panel of Chairmen?

There has been a panel of Chairmen, but I think that that system has not been carried out very extensively. The Railway and Canal Committee, as it is called, was appointed in consequence of the Report of the Committee of 1853, but it was intended that that Committee should possess important functions of deciding on principles, and so on; practically, however, they have not done so; they have merely, in fact, been a second Committee of Selection. I think that the principle of giving weight to the Chairman has not been so much acted upon as it might be. No doubt some advantage has been felt by having those gentlemen, but I think that the principle of having a Chairmen's panel carefully selected, and of giving weight to their decisions, has not been acted upon hitherto to any great extent. I think that it might be carried very much further if it were a principle which was required or desired to be carried out.

824. Viscount *Eversley.*] The Committee of Selection now, I believe, select the Chairmen on Private Bills which are not Railway or Canal Bills?

Yes.

825. *Chairman.*

825. *Chairman.*] Are the Chairmen selected by the Committee of Selection indiscriminately from the whole House, or from any particular portion or section of the House?

I think that the Committee of Selection exercise what care they can in choosing the Chairmen; it is out of the whole House the choice is made, but I think that practically we generally find the Chairman selected with some regard to his qualifications. In consequence, however, of the number of Committees in the House of Commons sitting at the same time, and the work that has to be got through, it has become necessary to give effect to the principle of rotation, more than that of selection.

826. Earl *Stanhope.*] Would your proposal of diminishing the number of Members on Committees sufficiently provide for the cases of illness, or other unavoidable absence?

I think that the increased uniformity and experience of the Members would more than counterbalance any such possibility, because it would amount probably only to an adjournment. If the Committee were composed only of three Members, I think that the principle of selection might be carried throughout.

827. But the principle of selection would not meet the case of illness or absence?

That might be done as at present; if there be a case of illness or absence now, another Member is added; and although he has not heard the whole of the evidence, still he has an opportunity of reading it, and, practically, I think that the inconvenience is not very great.

828. You would not consider it of so much moment that he had not had an opportunity of hearing the speeches of counsel?

The speeches of counsel are in a very great number of cases taken by the shorthand writer, and the Member might have an opportunity of reading them.

829. Lord *Redesdale.*] If you limit the number of the Committee to so small a one as three, may not the chance arise of the accidental appointment of a person who has some prejudice on the question, which would have a great effect upon the decision?

If it were only one it would be immaterial.

830. But one out of three is a very different thing from one out of five?

My view is that the tribunal might be improved by adopting the principle of selection instead of the principle of rotation, if I may so call it, and that relates especially to the House of Commons; for your Lordships being a permanent body, the Committees are appointed of the same Peers year after year; but in the House of Commons, of course after a general election there are a great many new Members, and the number of Committees is so great that it is necessary to allot those new Members amongst the Committees, and we constantly find that two out of a Committee of five represent what may be called the inexperienced element in the House of Commons. If the Committee were reduced to four we should get rid of half that element, and at the same time there would be a reduction of 20 per cent. in the number of Members who would be wanted to sit on Committees; then to the extent of three Members out of four they might be selected; if the Committee were of three Members only, I think that the principle of selection might be carried out altogether, instead of the principle of a panel for the Chairmen and of putting the other Members upon all Committees by rotation.

831. *Chairman.*] If you were to limit yourself to that number, would you not find great difficulty in training up new Members to take the places of the present Members?

If the Committee consisted of four members, you might still have one of the inexperienced gentlemen, and three who were experienced; but it seems to me that if the Chairman is to have the weight, which would be contemplated by a Chairmen's panel, if he is to have any real weight, he ought to have that weight in voting as well as otherwise.

832. Does anything else occur to you to state to the Committee?

There are some minor points with reference to diminishing expense in preliminary matters which I might just mention. For instance, in landowners' notices, the getting rid of the statement of the section would get rid of the necessity

C. E. Thomas, Esq.

5th July 1858.

necessity of waiting for the engineer to fill up the notice. This statement is a very expensive portion of the matter, and I would advocate its being done away with, on the ground that it does not give any security to the landowner. It is a statement which is required in every landowner's notice, which purports to show how his land will be affected, according to the centre line of the plan, whether the line will be in embankment or cutting. Practically, the promoters need not make the line in the centre, but anywhere within the limits of deviation. If the landowner is then told that there will be a five feet cutting in his land, the line may be made possibly on a five feet embankment on another part within the limits of deviation; the statement is expensive, and may mislead him. With regard to the notice itself, I think it might be worth consideration, whether the schedule to the notice, which is now an expensive matter, might not be done away with. A very expensive part of the preliminary proceedings on Bills, is the giving those notices, and the making them out. If it were considered sufficient that a man should be told that his land to be taken was in a certain parish, and that a plan and book of reference of his property were deposited with the parish clerk of that parish, I do not think it would be a very great hardship upon him to have to go as far as that, and it would be a very great saving. With reference to the subscription contract, I think that one of the few anomalies now existing is this, that a subscription contract is required in the case of existing railway companies: and I do not suppose that any practitioner in Parliament has known of a *bonâ fide* contract by an existing railway company for many years; and yet there is a Standing Order in the House of Commons, which requires every Committee to make a special inquiry into the *bonâ fide* character of the subscription contract; and it seems to me that a Standing Order of that kind, the practice being directly opposite, and rather of necessity so, is an anomaly which should be altered.

833. Do you mean that no subscription contract can bear a strict investigation?

No. I refer to the subscription contracts of existing railway companies; they are usually signed by the directors, who borrow the money upon their own security. No such contract is, or can be, *bonâ fide* in the sense which I believe was meant, namely, that the subscribers mean to take the shares and to pay the money; it never is so. According to the model clauses which are required to be put into all Bills, in the case of an existing railway company raising new capital (which it must do to make a new line), it is required that it shall be offered *pro ratâ* to the existing shareholders if the shares are at a premium when the capital is raised. That is inconsistent altogether with its being subscribed beforehand, and it seems to me that as there is now an absolute security for the making of the line in the case of an existing railway company by their dividends being stopped if they do not make it, it would be wise to do away with that anomaly by not requiring any contract in the case of an existing railway company. This alteration would not touch the case of contracts now required under other circumstances.

834. Lord *Redesdale.*] It would not affect railway companies who are not paying any dividend?

There is now a power under the Standing Order to require a deposit, and of course there should be the same power retained of requiring it in that case.

835. Then would you be in favour of doing away with subscription contracts altogether?

No; only in cases of existing railway companies, where the contract is admittedly and avowedly not of a *bonâ fide* character; where the deposit upon it is not impounded, and where it affords no practical security to Parliament. The anomaly exists that no such contract is ever of a *bonâ fide* character, and yet the Committees of the House of Commons are required to inquire into the *bonâ fide* character of it, and to report that it is so.

836. Lord *Belper.*] Suppose an existing railway company, with a line of only 10 miles in length, came to Parliament for leave to construct a line of 100 miles in length, would you say that no subscription contract would be required in that case?

Supposing they were paying a dividend, if that dividend were stopped until they made the other line, it would be practically a prevention of their ever paying

paying a dividend on their own line, if the new line were not constructed; but supposing that they had a subscription contract, the subscription contract for that 100 miles of railway would only be a nominal subscription of several hundred thousand pounds, signed by 10 or 12 directors, and a deposit borrowed and lodged in the Bank, which would not be impounded according to the present system, but which would be got out immediately the Act passed, and therefore, even in that case, a subscription contract would be no security. *C. E. Thomas, Esq.* 5th July 1858.

The Witness is directed to withdraw.

THOMAS COATES, Esquire, is called in, and examined as follows: *T. Coates, Esq.*

837. *Chairman.*] YOU are a Parliamentary agent?
I am.

838. For how long a time have you practised as such?
About 15 years.

839. With the experience which you must have had of the conduct of private business in Parliament, have any suggestions occurred to you which you can make to this Committee as to an improvement in the practice in Parliament as a means both of diminishing the expense, and of facilitating the transaction of the business?
Is it desired that I should confine myself to this House?

840. To this House more especially, but the question is general as to Parliament?
I believe that the greater part of the suggestions which I could make will have been already made to the Committee by my professional brethren. There is one thing which I believe we are agreed upon as a matter which would be well dispensed with; I refer to the schedule to the landowners' notices; I believe we all agree that the schedule tends rather to mislead than to inform the landowner. I believe that there is a difference between us as to subscription contracts. My own impression is that for existing companies subscription contracts are a fiction, and ought, even if only for that reason, to be done away with; I believe that for new companies they are also to a very great extent fictitious; I believe that they do not give to Parliament the guarantee which Parliament desires, namely, that there shall be persons pledged to make the work which is under contemplation; I believe that deposit is a far better thing, and is a sufficient guarantee for the execution of the work, and a sufficient fine if the work is not executed; I do not know of any preliminary acts which can be spared beyond that, except that I think that some of the advertisements might be diminished; I think that for works in the country, London advertisements are useless. With respect to the examiners, I would have but one inquiry, except with respect to those orders which especially belong to your Lordships' House, namely, those referring to the Wharncliffe meeting.

841. You would have but one inquiry as to both Houses of Parliament?
But one inquiry as to both Houses of Parliament upon the same Bill.

842. At the same period?
At the same period; I would not have any opposition upon Standing Orders in the House of Lords, unless with respect to those Standing Orders which apply only to the House of Lords, namely, the Wharncliffe Order, or with respect to matters which had arisen in the progress of the measure, that is to say, things which had been inserted in the Bill in the House of Commons, and which, perhaps, might be violations of the Standing Orders of your Lordships; upon those matters certainly I would have an inquiry; upon all other matters I think that for opponents to hold their hands until the Bill has passed through the House of Commons, and then to make in the House of Lords objections which they might have made at the very outset of the proceedings, is unjustifiable.

843. Would you refer any other matters to the examiners, such as the question of *locus standi*, or the question of the validity of the subscription contract, or any other matters?

T. Coates, Esq.

5th July 1858.

If by the "validity of the subscription contract" is meant an inquiry into the solvency of the persons who have subscribed that contract, it is a power which I certainly would not delegate to the hands of any officer of either House. If such an inquiry is to be made, I would leave that inquiry to the discretion of the Members of Committees of both Houses, but certainly not to any officer of either House. If by "the validity of the subscription contract," however, is meant only the validity of the instrument itself, that is to say, the binding nature of the contract, that, I think, may be very fitly inquired of by the examiner. However, for my own part, I would do away with the subscription contract altogether; I do not believe it to be of any avail whatever; it has degenerated now almost uniformly into certain local subscriptions, and then a large subscription by contractors, and when once you do admit a fiction of that sort, I do not know where fictions are to stop.

844. Lord *Redesdale.*] Then you think that the deposit is a better security?
Yes.

845. Would you have a deposit in all cases?
No; I think that the withholding the dividend is quite a sufficient tie upon existing companies.

846. That is to say, if the existing company is paying any dividend?
Whether or not; at all events they have subscribed their money in the hope of some profit, and assuming them to be at the moment not receiving a dividend, still there is the hope of profit at a future time.

847. But what security is there for finishing the line within a given time?
That is quite true.

848. *Chairman.*] You would still require a deposit for that purpose?
Yes.

849. Lord *Redesdale.*] Do you not think it of very great importance that if that principle of non-payment of dividend is to be adopted as a security, it should be inflexibly adhered to by Parliament?
"Inflexibly" is a hard word.

850. Do you think that it gives any security whatever for the completion of the line unless the parties know that Parliament does adhere to that which it has laid down?
Allow me to remind the Committee of what has occurred during the last five years. There has been the Russian war; there has been money at 10 per cent. Take a poor company—take a company which goes through a district from which large profits cannot possibly accrue, I do think it is a hardship that they should suffer from accidents like those.

851. Do you not think that it is desirable that poor companies should not undertake schemes beyond their means?
Taking railways for instance, or taking waterworks, I think it very desirable that the public should have railways, and that the public should have waterworks; no doubt there should be some limit to it.

852. *Chairman.*] Would you recommend the question of *locus standi* to be referred to the examiners?
I should suggest, and I think that it is a suggestion which has been adopted by all members of my profession, that the question of *locus standi* should be referred to a separate tribunal, not the examiner, but two members perhaps in the House of Commons, and to any sub-committee in the House of Lords. If the Chairman of Committees were not over-worked, I should be very well pleased to see the matter in his hands.

853. Still you think that it would be desirable to remove it from the consideration of the Committee on the Bill, and to submit it to some fixed tribunal, either a panel of Chairmen, or some other body of the same description?
I have no doubt of it. I have no doubt that it would give consistency to the decisions, and would save expense to a great extent.

854. Lord *Redesdale.*] Do you not think that it would be desirable that in all instances where a railway company is admitted to oppose another line, it should

do

do so openly and under some regulation of the House, and not as appearing through some dissentient landowner?

Beyond all doubt; I would, wherever I could, do away with all fictions.

855. Would it not enable, in some instances, the Committee to stop an opposition which, though nominally coming from a landowner, was obviously, and could be proved to be supported by a railway company, which company would have been declared by the Committee not to have a *locus standi* against the Bill?

Certainly; it notoriously over and over again occurs that a landowner is subsidised by a railway company.

856. *Chairman.*] Have you any suggestions to make with regard to the proceedings before the Committees?

I am very much for limiting the number of counsel in the proceedings before the Committee, with a view to the saving of expense. I think that it may to a certain extent save time, which is a very considerable source of expense. I think that it would vastly save expense, and I believe that the work would be better done.

857. Lord *Redesdale.*] How would you limit the number of counsel?

First of all the Committee could always limit it; they could always say, "We will only hear two counsel upon this Bill," and designate those two counsel.

858. Practically, would not a difficulty arise from the counsel being employed upon more Committees than one at the same time, and being therefore unable, in all instances, to appear before a particular Committee?

Yes, it would. One must always take this along with one: that it facilitates the labour of the Committee, and is greatly advantageous to the suitor to have a man of ability and experience as his leading counsel; there is no doubt about that; he renders the case more intelligible to the Committee at first, and he overcomes difficulties as they arise. Of course those leading counsel will be sought for by everybody, and there is that difficulty; therefore perhaps for a Bill three counsel might be employed as the largest possible number; but for an opposition there is not the same necessity for having the most eminent man; he has not to open the case, and at all events he has not to be there perpetually to watch the progress of the case; and if two counsel were the utmost number allowed to a petitioner, I think that it would meet all the demands of any petitioner.

859. *Chairman.*] With a discretion to the Committee to extend the number if it was an extraordinary case?

It might be optional.

860. Lord *Redesdale.*] Do you think that there would be any objection to laying down the rule in this way: that the daily fee for attendance should never be allowed to more than two counsel upon one day?

That would do, excepting for the Bill; for the Bill I think you must extend it to three. In oppositions the rule might be evaded by the same interest appearing on two petitions; but I think that that method of evasion might be prevented, and that Committees ought always to have the discretion, and to exercise the discretion, of consolidating oppositions.

861. *Chairman.*] Has any other mode ever occurred to you by which the expense of counsel might be reduced?

The great hardship is in oppositions: a landowner *bonâ fide* striving to get protection of a particular sort even by a clause, not desiring to oppose the preamble at all, but desirous of protecting some especial portion of his property by some particular means, cannot have a counsel in the room for a single day under 35 *l.* Now that seems to me an extreme hardship.

862. How do you make out the 35 *l.*?

There are 5 guineas for the retainer. I never saw so little scarcely as 10 guineas put upon a brief, but we will take it at 10 guineas; then there are 5 guineas for consultation; then 10 guineas for the first day; and then there are the clerk's fees, which are about 7 ½ per cent.

T. Coates, Esq.

5th July 1858.

863. You cannot have a counsel and his clerk under 35 *l.*?
No; that is an arrangement made by the Bar itself, and in my own humble opinion it is very injurious to the Bar itself. I believe that a number of young men at the Bar would be brought in before Committees, and that there would be a great influx of new men into Committees, with the chance of fresh talent, supposing you could employ them at a lower rate; but if you are to give 30 guineas for the attendance of a barrister, you take your chance of obtaining men who have experience, and whom you think more able; the result is, that very often you do not have the man; he is elsewhere.

864. Was it not at a comparatively recent period that the charge was raised so high; was not it formerly the practice to include the first day's payment in the brief fee?
Never, in my time; but I know that it was so.

865. Did you ever hear any reason assigned why that alteration was made?
Never. There is another thing which has grown up within my time, namely, a fresh retainer for the House of Lords; the reason for a retainer at all is not obvious to my mind, but a fresh retainer for the House of Lords seems to me unreasonable.

866. Lord *Belper.*] What amount is that?
Five guineas.

867. Lord *Redesdale.*] If a landowner objects to some matter which is really a question of detail only, he is obliged to appear upon his petition at the opening of the Committee, is he not?
Yes.

868. Does his counsel consider it his due to be employed during every day that the Committee sits?
The way in which we evade that is this: if it is likely to be a long inquiry, we always do this in the House of Commons, we enter our appearance on the first day, and we reserve the name of the counsel; we say, "We reserve the right to appear by counsel;" then we pay the House fee for the first day without counsel; and when our time comes for the clause to be discussed, after the preamble has been passed, we give the name of our counsel.

869. Lord *Portman.*] Do you do the same in the House of Lords?
I am ashamed to say that I do not know; but the inquiries are so far less protracted in the House of Lords, that it would be less worth while.

870. Viscount *Hutchinson.*] Is it the practice to enter the name of the counsel upon the appearance?
If you appear against the preamble you enter the name of the counsel at once, and then the counsel appears from day to day, opposing the preamble, and cross-examining the witnesses perpetually.

871. Then you enter the names of all the counsel whom you employ in the case?
Yes.

872. Should it be necessary to obtain the services of another counsel not entered upon the appearance, could that counsel be heard?
Always.

873. Although his name was not entered upon the appearance?
Certainly.

874. In order to meet the object which you seemed to have in view in a former part of your evidence, namely, to restrict the number of counsel, could not it be arranged in this way, that the agent should be bound to enter upon the appearance the names of the counsel to be employed in the matter—in the case of the promoters of the Bill not to exceed three in number; in the case of the opponents not to exceed two in number; and that it should be the rule of the Committee not to hear any other counsel for or against the Bill?
Supposing you limit the number, I do not know why the identity of the persons is important; supposing a counsel to go on circuit, you want to replace him by some other counsel if it is a very protracted inquiry.

875. How

875. How is the Committee to be assured that the parties have not in point of fact employed more counsel than the proposed rule would allow them, unless some such method as I have alluded to is adopted?

Supposing you give leave to substitute one counsel for another, to strike out the one name and to put in the other, it would answer the purpose.

876. And that leave, of course, would not be given except upon fair cause shown that it was necessary for the convenience of the parties?

Yes.

877. And that it was not intended as an evasion of the rule of the House?

Yes.

878. Lord *Redesdale.*] What number of counsel have you ever known employed upon a Bill?

I have known cases where there have been five general retainers.

879. *Chairman.*] Do you think that it would be any great advantage, and that it would be a saving both of time and expense, if in the two Houses of Parliament, in the case of unopposed Bills, a certificate or affidavit of the evidence taken before a Committee of one House were accepted as sufficient by the other, so as to avoid the expense of the double procedure, and to act as is done now by the House of Commons in the case of Estate and Divorce Bills?

In unopposed Bills I think that that would be an advantage.

880. To enable this to be done satisfactorily, I conclude that it would be necessary to give the House of Commons the power of taking evidence upon oath; do you think that there would be an advantage in allowing such a power to the House of Commons?

I am not a good judge of that matter; I do not attach the least importance to it.

881. Do you think that there would be any advantage in more equally distributing the business of Parliament if the House of Commons were to waive some of its laws of privilege, so as to allow many Private Bills to begin in the House of Lords?

I think that if this House would take that additional trouble upon itself there could be no objection, and that there would be a great advantage in it. Then a great many more Bills would, of course, come before the House of Lords than now come before it.

882. Do you think that there would be any inconvenience to the Parliamentary agents, or to the persons engaged in conducting the Bills, in having them originated in the House of Lords?

Not at all, I think.

883. Lord *Portman.*] Should you be inclined to apprehend that there would be more oppositions in the House of Commons to Bills which began in the House of Lords, than oppositions to Bills which began in the House of Commons, and which came on to the House of Lords?

I do not know why there should be.

884. Lord *Redesdale.*] Supposing the commencement of Bills were to be undertaken by both Houses, I presume that you would limit the time for the transaction of private business far within that which is taken at present for that purpose; you would limit the time beyond which Bills should not be allowed to proceed?

Yes; I think that the work would be got through much more quickly. There would be this inconvenience, of course, about it: the number of opposed Bills before Committees is now limited by the number of Committees which can be got to sit in the House of Commons; but if at the same time Committees were sitting in the House of Lords, of course there would be a much greater pressure of business during that short time.

885. Do you not think that in some instances the opposition is limited by the time which is allowed for it to be carried on?

I do not indeed; the limiting the time encourages the opposition, because the opponents say, "Let us protract this matter, and perhaps the Bill will not be read within the prescribed period."

T. Coates, Esq.

5th July 1858.

886. Viscount *Hutchinson.*] With respect to oppositions upon the same merits, a Bill, for instance, has been introduced into the House of Commons, and is opposed by parties in the House of Commons upon certain merits, and they fail in their opposition; do you think that it might be possible, with any advantage to the public, or with any propriety to prohibit those parties from coming forward in the House of Lords and opposing the Bill exactly upon the same merits which have failed to induce the Committee in the House of Commons to reject it?

I would not, on any account, interfere with the appeal to a Committee of this House in any way. I am satisfied that the interests are usually so great in private legislation (Waterworks Bills are becoming more important yearly, and Railway Bills are very important), that the power of appeal ought not to be prevented.

887. Have you ever turned your attention to any means which might be adopted for the prevention of frivolous oppositions to Bills; oppositions which cause a great and unnecessary expense to the promoters?

That the opponents should pay costs seems to me upon the whole unjust. A man may be entirely wrong, but he may think that his property will be seriously injured, or an adverse company may think that there may be competition, against which it ought to protect its shareholders, and I do not think that either the one or the other ought to be fined for any error that is so made.

888. Do you think that there would be any objection to putting into the hands of the Committee on the Bill, or if that were thought improper, some other authority in the House, the discretion of imposing costs upon the opponents; if not the whole costs a definite sum, as a fine for an opposition which might appear to be causeless?

I think that to this extent it might be done: there is a vicious habit of putting into a petition all sorts of objections; everything is put in; a man wants to protect a watercourse, and he puts in an objection to the whole preamble; he objects to the subscription contract, and the estimate, and everything. That is very unfair to the promoters; the promoters, perhaps, do not know what the nature of the objection will be, and there I would give power to the Committee to award costs for those parts of the petition which had not been pursued, but which were frivolous; beyond that I would not go.

889. Your object, then, would be to prevent the necessity of the promoters of Bills bringing up witnesses from the country, and preparing themselves to meet allegations which the opponents had no intention whatever of making?

I would do so, if I could.

The Witness is directed to withdraw.

Ordered, That this Committee be adjourned till To-morrow, Two o'clock.

Die Martis, 6° Julii 1858.

LORDS PRESENT:

Duke of Somerset.	Lord Wodehouse.
Earl of Doncaster.	Lord Redesdale.
Earl Stanhope.	Lord Stanley of Alderley.
Earl Graham.	Lord Belper.
Earl of Romney.	

THE LORD STANLEY OF ALDERLEY in the Chair.

Evidence on Proceedings in Parliament on Private Bills.

J. Swift, Esq.

6th July 1858.

JOHN SWIFT, Esquire, is called in, and examined as follows:

890. *Chairman.*] HAVE you been much engaged in conducting private business before Parliament?

Yes.

891. Chiefly in railways or in other matters?

Chiefly in railways; in some other matters also.

892. Can you offer any suggestions to the Committee as to any improvements which you think might be introduced into the mode of conducting the private business in the House so as to diminish expense, and to improve the practice?

I have not had an opportunity of considering at all the matters upon which I am to be examined, therefore any suggestions of mine will be accepted as very crude; and any suggestions which I could offer would have reference, I think, rather to the House of Commons than to this House. It has always appeared to me that a very large and probably unnecessary expense is incurred in what is practically a double hearing of matters which might probably be heard at less expense in another form. I think, for instance, that if the witnesses in the Commons were sworn and the evidence were printed, and that evidence were referred to the Lords' Committee as the evidence upon which the Bill was to be dealt with, any new matter being heard, that is to say, any matter which had arisen since the Commons evidence was given, and also any matter which the Commons had declined to hear about, a very large expense would be saved in that; you would not, as a general rule, have to call witnesses over again in the Lords who had been called in the Commons.

893. Lord *Redesdale.*] Do you think that a case would be brought before a Committee in that manner in the same way as it is by having those witnesses examined before them?

Not in the same way of course; the evidence would be read.

894. Do you think that any Committee could ever attend to evidence read to them orally, and take it in the same way as they do when they have a witness examined before them?

No; but I think that they would have it stated to them by counsel; there would not be, in fact, much evidence referred to in my view; the counsel would make his speech and refer to the evidence of particular persons as establishing particular facts; if those facts were controverted by the other party, the cross-examination, or some part of the cross-examination, or of the examination in chief, or of the re-examination would be referred to, and in that way, I think, that the Committee, without hearing the witnesses over again, might substantially arrive at a just result.

J. Swift, Esq.

6th July 1858.

895. *Chairman.*] If in opposed cases that course should be objected to, I presume that objection to it would not refer to unopposed cases?

No; but in unopposed cases the necessity for it would not exist in the same degree, because the expense would not be so great.

896. Still there would be a saving of expense from the parties not being under the necessity of producing the witnesses a second time?

Just so.

897. Therefore, in unopposed cases, you think that that course would be desirable as effecting a saving of expense?

Yes.

898. Lord *Belper.*] I understand you that if the printed evidence was in the hands of the Members, it would not be necessary for the whole of it to be read; but the counsel would confine the reading to such parts of it as they considered necessary for their case?

That is so.

899. *Chairman.*] Do you think that there would be a considerable advantage if all the proofs on Standing Orders were given before the Examiner previously to the second reading of the Bill in the House of Commons, so as to prevent the necessity of a second inquiry with respect to the compliance with Standing Orders before the House of Lords?

That I think would be very desirable; it would often save the expense of a Bill in the House of Commons which afterwards fails in this House on the ground of non-compliance with Standing Orders.

900. Earl of *Doncaster.*] Do many Bills fail in this House for non-compliance with the Standing Orders?

Few, I think, now; formerly there were more.

901. *Chairman.*] Do you think that there would be any advantage in an arrangement by which some of the business might be begun in the House of Lords instead of in the House of Commons, provided the House of Commons were to waive their privilege, and to allow Bills to be introduced here and read?

Yes; I think that would be very desirable, because we should have a more considerable attendance of counsel, and more ease perhaps in getting Committees appointed.

902. Lord *Redesdale.*] Would there not be more Committees instead of fewer sitting at one time?

They would begin earlier in that case; we never (I do not know why, and never could get to learn why), begin the business in the House of Commons till the Session is half over; it is always said to be the fault of the agents; but I believe that the agents always say that it is with somebody else; I have had Bills for the last 25 years, and I have always had the same thing to complain of, namely, that we do not in fact begin the business till the Session is half over, and then we have ten or a dozen Committees sitting at the same time.

903. Do you think that the second reading is unnecessarily deferred in the House of Commons?

No, I do not think that that is the reason; I think that the Bills are generally read in plenty of time.

904. They allow eight days after the second reading for the presentation of petitions?

But the delay takes place after that in the Chairmen's Committee and other Committees, the Committee of Selection, and so on; why it is I cannot tell, but in point of fact we do not get the Committees at any early period of the Session; consequently we have a very large quantity of business huddled together in three or four weeks, which, moreover, is very ill done unless a number of otherwise unnecessary counsel are employed.

905. *Chairman.*] Do you think that it would be desirable to have the Bills deposited in the Private Bill Office at an earlier period than they are now deposited?

I do not think that there would be any gain in that; it is not a matter from which I have ever seen any inconvenience.

906. Lord *Redesdale.*] A suggestion has been made that the Bills should be deposited by the 24th of December instead of the 31st; do you conceive that any difficulty would arise from that earlier deposit?
Not the least, I think.

907. Thereby a week would be gained?
There is no objection to it; parties ought to know by that time what they mean to do by their Bill. As far as one's experience goes, an earlier deposit of the Bill has not yet produced any earlier sitting of the Committee; whether the Committees would sit earlier if the deposit was ten days sooner, I cannot say.

908. *Chairman.*] Do you think it desirable to have an earlier day for the second reading?
It is not the time of the second reading which causes the delay.

909. Lord *Redesdale.*] Do you not think that it would be desirable to have an earlier day for the presentation of petitions, praying to be heard, than is now the practice in the House of Commons?
I cannot say that I have ever seen any inconvenience from the present system.

910. In the House of Lords you are aware that the second reading almost always takes place, and is practically forced to take place within a certain time after the report of the Standing Orders Committee; do you not think that in the same way, it is desirable that in the other House they should compel the second reading of Bills to be taken within a certain time after the report from the Examiners?
I do not see the least objection to it.

911. Do you not think that if the time was fixed in that manner, the petitions praying to be heard might be presented, if not before the second reading, within a shorter time after the second reading, than the eight days which are at present allowed?
I should doubt whether you ought to give less time than at present. Upon the question whether the second reading might be earlier, I should agree that it might probably be earlier; but I do not think that eight days is too long a time to allow after the second reading for the presentation of petitions.

912. You are aware that in this House the petitions must be presented before the second reading?
Yes.

913. Is there not full time from the time when the Bill is lodged, be it on the 31st of December or on the 24th, as is now proposed, up to the day when the second reading of the Bill would take place in the House of Commons, for the parties to know whether they intend to petition against the Bill or not?
Yes; but then the matter of the petition may not be so well known; and the analogy of this House is not quite complete, I think, because when you petition in this House you have practically sifted the case in the House of Commons, and you know what you are about to complain of here.

914. Surely the matter of the petition may be known as soon as the Bill is in the hands of the parties?
It is very often not the case, in point of fact; and you are obliged by the Standing Orders to state, with some degree of particularity, the grievances which you mean to allege in the House of Commons.

915. *Chairman.*] Do you think it desirable to refer the questions of *locus standi* to the Examiners, or to some Committee permanently appointed for that purpose in the House of Commons?
Yes, though I think that a great deal more is made of that matter than need be by Committees; but it is very desirable for the purpose of shortening time and saving expense probably.

916. Would it not also promote uniformity of decision?
Just so, if any rules of uniformity could be laid down.

917. Lord *Redesdale.*] Do you not also think that it would be desirable that where railway companies oppose other railway companies they should do so openly

J. Swift, Esq.
6th July 1858.

openly, and as admitted to have a *locus standi* for that purpose, rather than appearing as they sometimes are obliged to appear, or do appear, through landowners?

Certainly.

918. And that if the Committee should decide that a railway company had no *locus standi*, there should be a prohibition upon that railway company from appearing through any landowner?

I do not know how you could do it.

919. If all costs were taxed, might it not then be possible to prevent a railway company charging for attendance before Parliament on a Committee before which they had been refused permission to appear?

I think not; I do not know, in the first place, that you ought to do it; because, with all deference to the tribunal for settling the question of *locus standi*, they might be wrong. Now the question dealt with as affecting the railway company is, perhaps, a question of millions: the manner in which they ought to be heard, whether in an honest, straight-forward way or not, is not the question; I think that they ought to be heard in a straight-forward way; but if this tribunal makes a mistake, and will not allow them to be heard in a straight-forward way, I think it does not follow that they should not be heard at all, and I do not think you would prevent it by striking out the costs on taxation, because the parties would pay themselves. You would not do it in the case of a private individual, and I think you should deal with railway companies as you do with any other persons; they would defend themselves in the best manner possible; directly if possible, and indirectly if not possible; any private person would do that, and so I think any railway company ought, if they thought fit.

920. *Chairman.*] Do you think that there should be any alteration as regards the subscription contracts; do you think the validity of the subscription contracts should be tried before the Examiners or before a Committee, or that any alteration should be made respecting the subscription contracts in substance, so as to discontinue them?

As long as the subscription contract is regarded as really a very serious matter, I do not know that it could be better inquired into than by the present tribunal, because the facts of the case might not all have come out at the time that the supposed Standing Order tribunal was sitting, or they might not have the advantage of counsel, and therefore might fail to get at the facts, or the facts might come out afterwards from other information. That is assuming that the subscription contract is a very important thing.

921. What is your opinion with regard to the importance of the subscription contract?

In point of fact, it is of no importance at all when the Act passes, except as evidence, and there is sure to be other evidence of the fact of subscription. It is only important in this way, that it is one kind of evidence of the fact of a man having subscribed, but it is not the only evidence, and therefore, in that sense, it is not indispensably necessary; and as to any use of it as binding the persons there is none at all, because a sufficient subscriber, that is to say sufficient by the rules of this House and of the other House nominally to be bound for himself, his executors, and so on, may sell his shares the day afterwards, and have done with the whole thing.

922. Do you think that it would be sufficient to increase the deposit?

That has always been my view. I think that the subscription contract is illusory, and that if you want to secure the construction of the work and the *bona fides* of the matter, you should have a larger sum of money deposited. That is not a very popular doctrine; but I do not understand that I am asked what railway companies would like.

923. But you think that that would be a sufficient and a better security to the public than the existing state of the subscription contract?

The existing security by the subscription contract is practically none; besides which, supposing the Act to be passed, the thing is altogether a delusion. The only parties to enforce the subscription list are the directors, who themselves are liable with other people; it cannot be enforced except by them, and if they will

will not enforce it there is an end of it. In short, I think that it is a delusion altogether. Then again it is signed very often by people who are not *boná fide* subscribers.

924. Earl of *Doncaster.*] When was the necessity of proving the subscription contract first introduced?

Many years ago; I do not remember when. It has existed as long as I remember. It must have been in existence 30 years certainly.

925. Duke of *Somerset.*] If a larger deposit had been insisted upon, would not it in many cases have stopped the formation of railways altogether?

In the earlier days I think it would have done so. I think that the subscription contracts for the Grand Junction Railway and the London and Birmingham were among the first that I was connected with; there was then great difficulty in obtaining subscriptions, because they were then *boná fide* subscriptions, and a man taking 100 shares meant to pay for those 100 shares. It was not a contractor's affair, or a sham affair got up in the City. In those days, if you had asked a party to pay down 30 *l.* a share, he would have been slower to do it than to enter into an agreement to pay 100 *l.* in three or four years. It might in that way have had some effect in interfering with the progress of railways.

926. In the present state of railways, where a number of places in the country want small branches to join the chief line, would it be injurious in that case, do you think?

I do not think it would. I think that it would rather tend to throw the construction of those branches very much upon the chief companies in the district; and as to them, the subscription list is of no application.

927. Do you think that it would prevent fraudulent and illusory companies being started, and that it would not, on the other hand, injure the construction of railways which were really desirable?

I think so. I remember an instance that I was connected with, namely, the Lancaster and Carlisle railway, where the subscriptions were *boná fide* subscriptions, and to a great extent by local people who took a small number of shares intending to pay for them. I think that those people would have been as well content to pay a large deposit as a small one, because they took only five or ten shares, and so on.

928. You have had a great deal of experience in railway legislation?

A good deal.

929. Is it the result of your opinion generally that the railway legislation of the House of Commons has been unsatisfactory or satisfactory?

Unsatisfactory to those who have failed, and the contrary to those who have succeeded; I think everybody must say that it has been entirely uncertain, and that there has not been anything like the application of principles or anything of that sort.

930. Would the country have been in a better position supposing some principle had been laid down before railways were begun to be made, as to what ought to pass and what ought not to pass?

I think it would; you would not perhaps have had so many railways made; you would not have had two or three railways made to one place, but you would perhaps have had the best railway to that place, and the other two or three made somewhere else where they were wanted. The result has been that people are now alarmed, and do not want to touch railways, because there is no sort of certainty whether when they have invested their money there is anything like a return to be had for it.

931. *Chairman.*] Has not also a great deal of money been wasted in proceedings in Parliament?

An immense sum of money; as much as would have made many of these little railways which have been spoken of.

932. As solicitor for Bills, the duty of superintending the charges for witnesses, for surveyors, engineers and counsel, rests with you, does it not?

Yes.

J. Swift, Esq.
6th July 1858.

933. Do you think that those charges are excessive, and might with advantage be diminished; take first the fees to counsel?
There is great difficulty in dealing with fees to counsel; they are very much in the power of the Bar themselves.

934. Have they not been increased since the time when you commenced business?
In some items they have.

935. Will you state what those items are?
I think in the early business the charge for the first day's attendance in Committee was not made, and I think that the daily consultation fee was not ordinarily insisted upon or given. I do not know whether in the matter of brief fees, there has been any alteration; I should think not much.

936. Is not the retainer for attending in the Lords as well as in the Commons also new?
Yes, that I think is new; but that is a small affair.

937. With regard to the payments to counsel, are they not much larger than the payments made to counsel appearing in the ordinary courts?
Yes; and the reasons for that are obvious, that the Parliamentary counsel only get four months' occupation and the others get the whole year.

938. Do you still think that the remuneration is not more than adequate to the services performed?
I think that in the case of some counsel it is certainly more than adequate to the services performed. It is not very much in the power of solicitors to regulate it, for the Bar prescribe certain rules among themselves which they abide by, and to which we are compelled to conform.

939. Though it may be desirable to mark a large fee upon the brief for the services of an eminent counsel, do you think that it is necessary or expedient to continue those large payments for the ordinary business transacted by ordinary counsel?
Taking the Bar generally, I think that it would be for their interest if the fees were lower; the daily fees, the consultation fees, and so on.

940. Earl of *Romney*.] Is not the practice in that respect the same as in an ordinary court, that the solicitor marks the brief?
That applies to the brief fee.

941. Are not all the other expenses the same as in an ordinary case?
No.

942. They are not settled by Parliament?
No; and I see infinite difficulty in Parliament attempting to do it; for suppose you say, "We will not pay Mr. A. B. more than a given amount," then he says, "I will not attend."

943. *Chairman*.] If it be so difficult to arrange the matter as to the fee, could the expense be diminished by limiting the number of counsel employed in any one case?
Yes; but that again must have regard to the importance of the cases, and I do not know how you could very well interfere with the parties engaged in the case, and who best know what the importance of it is.

944. You are aware that it is the practice to limit the number of counsel employed upon appeals in this House to two?
Counsel heard, but not counsel employed.

945. Do you see any objection to adopting the same system with regard to counsel who practise before the Committees of Parliament, by limiting the number to be heard to two, and not allowing more than two to be paid?
Yes; I think it would be very hard. Suppose there was a very important case in which the party chose to have three counsel, even supposing that Parliament had laid down the rule that only two should be heard, I do not think that, because only two could be heard, you should only have the power of employing two. A man might be very desirable in consultation or in suggestion in the room, though he might not interfere with the Committee, or publicly.

946. Earl

946. Earl of *Romney.*] Whatever rule you laid down, you could not bind parties; they might employ what persons they liked?
You might lay down the rule to hear only two counsel, but you could do no more.

947. Duke of *Somerset.*] There would be no injustice in limiting the hearing by the Committee to two counsel, would there, any more than at the bar of the House?
Ultimately, after a little while, I think there would be no injustice, because it would settle down into a system; it would be a little awkward at first, and would produce some inconveniences. I think that some Committees have adopted it.

948. *Chairman.*] Do you think that it would be possible to refuse the payment of the fee in cases where the counsel had never attended; is it not within your experience that fees have been constantly paid to counsel for business before Committees when they have never been present?
Yes, and in the courts of law also; but you cannot prevent it.

949. You do not think that it would be desirable to attempt to prevent it?
You cannot prevent it.

950. Lord *Belper.*] Is it the practice that if a counsel has briefs in a number of different cases before different Committees, he is paid his usual daily fee for each Committee, whether he attends or not?
Yes, both here and in all the courts of law.

951. Is it not very common for a leading counsel to receive fees for cases before the Parliamentary Committees, when he never enters the room?
Yes; but that is not confined to Parliament.

952. But I suppose it prevails to a greater extent in Parliament than elsewhere?
It does, probably, at present.

953. *Chairman.*] If it should be your opinion that the charges are too large, in the case of the employment of counsel, does it occur to you that there is any mode of meeting that objection, except by a diminution of the fees which they receive?
I do not think that there is. I do not think that you ought to limit the number of counsel whom a man should consult if he thought fit; and whether a counsel sat in the Committee-room, or sat in his own room under the name of a consulting counsel, you could not interfere with it. You could not prevent it, and I do not think you should. A party should be at liberty, whether it is the case of a public company or of a private person, to be as well advised as he thinks fit about his own case, at his own expense.

954. It has been stated to the Committee that the smallest cost at which any landowner can appear by counsel before Parliament, petitioning against a Bill in protection of his own interest, is 35 *l.* for the attendance of a counsel, even for a single day; is that the case?
I should think that it was.

955. Does it not appear to you that that is an excessive charge, and very much beyond anything paid for similar services in any other court?
Yes; and I think that it would be the interest of the Bar that it should be diminished, but how it is to be done I do not know. As long as it is the rule of the Bar to be paid 10 guineas a day, of course they will take 10 guineas a day.

956. With regard to the other charges which fall within the province of the solicitor for the Bill, such as the expenses of witnesses, of surveyors, and engineers, do you think that those charges are excessive, or that they could in any way be regulated?
I know as a fact that the engineer, for instance, whose charge is the highest, generally charges 10 guineas a day, and is paid the same in private business, or in the courts, or anywhere. That is not allowed on taxation, probably only half of it, but nevertheless parties choose to employ him, and having employed him they have to pay him, and they pay him what he charges, and not what is allowed between party and party on taxation. One cannot therefore call it

unreasonable when a service is charged for only at what it is worth or fetches in the market.

957. With respect to the expenses of witnesses, what is your opinion?

That depends again upon the class of witnesses. No doubt more is allowed to them for attending here than before other tribunals, and some of the charges I have often thought have been very high with reference to the sort of man, surveyors particularly; but at the same time you find that those people who are of that class will not attend for less, and if you want the man you must pay him his price.

958. Lord *Redesdale.*] Why should he expect to be paid higher for attending here than for attending in one of the courts close by in Westminster Hall?

There is no reason at all.

959. Then do you think that that excessive charge might be reduced?

It would be very desirable if it could be reduced, but I do not know how it can be. Your Lordships may fix a rule of taxation, and I suppose that if the bill of a surveyor were referred to taxation, instead of five guineas a day, he would be allowed two, or two-and-a-half, or three, which probably would be fully his value; but supposing a company or private person paid him the two-and-a-half guineas, and wanted him another year, they would not get him.

960. Earl of *Doncaster.*] Cannot they compel the attendance of any witness; is it all voluntary on the part of the witnesses?

You can compel him to attend, but if he comes here as an unwilling witness he is not what you want; you want a willing witness at all events; you do not want a man to come here to give evidence against you; you cannot compel him to attend, except by an order of the House, which you would not in fact have recourse to in order to help your case.

961. *Chairman.*] Do you think that it would tend to a diminution of expense if compulsory taxation were introduced?

I do not know in the first place why you should apply it, but you could not do it practically. I have a client this year, a company, and I have a private client. Supposing you say that I shall not pay for their counsel, and that I shall not pay for their witnesses more than the sum allowed by the taxing officer, it will be very hard upon the persons who want to be paid in the first place, and very hard upon the client in the second place, because the client employed them. I know a case this very year where a private person, opposing a Bill, knowingly employed a particular man at the Bar on account of his excellence, or supposed excellence, at the peril of paying a very large sum in the way of fees; it was thought to be worth while to do it. It would have been hard upon that person if he had not been at liberty to do that. The same thing will apply to witnesses, and of course equally to companies as to private clients employing witnesses or counsel.

962. Although in that case it might have been to the interest of the individual to employ a person at this unusual rate, is not it also open to the objection that persons may be employed when their services are not equal to their remuneration on account of private interests or other motives?

Yes, no doubt.

963. What check is there at present, then, upon such extravagance in payment to persons?

Only the party's view of his own interest or the company's view of their own interest; I do not think that there is any other check, or that any is possible.

964. Earl of *Romney.*] In the courts of law, if the costs follow the verdict, the party gaining the verdict will always have to pay more than the costs which are taxed?

Always, and yet that does not prevent the incurring of the extra costs; it is done every day in every suit.

965. Duke of *Somerset.*] With regard to the expense, the only suggestion which you have made is, I think, that with respect to the double hearing, you are of opinion that there might be some saving?

I think there might be a very large saving, and not only in the witnesses, but in the time occupied, which perhaps is an equally important thing.

966. In the case of a dispute between two railway companies, do you think that the hearing before one Committee would be so acquiesced in by the opponents with regard to important witnesses, that they would not have to be examined before the House of Lords again?

I do not see why it should not be; that is done in the courts of law; it is true not affecting always such very large interests, but sometimes affecting very large interests, and there if the party does not prove his case he fails, and he cannot have a new trial, unless he shows some new matter, or surprise, or something of that sort.

967. Supposing the promoters to have proved their case in the House of Commons, and that the other party wished to defeat them in the House of Lords, would they, do you think, acquiesce in a statement of facts made by counsel; would not they wish the witnesses to be called, and to have the matter all over again?

Perhaps they would, being the defeated party; but I do not see why they should not be bound as much as the promoters of the Bill.

968. Then they must admit the facts?

I am assuming the facts to have been proved upon oath in the House of Commons, subject to cross-examination in the usual way. The facts would be the facts, whether proved in this House or in the other; if they had been proved in the other House upon oath, you would have got to the same result as by proving them over again here.

969. With regard to railway evidence, a great deal is not fact, but opinion?

Yes.

970. With regard to the opinion, that would not be quite so?

That is not ordinary evidence in the first place, but in the second place the witnesses might give their opinions in the House of Commons, and I am assuming that they would have done so.

971. Then you would have not only the facts, but the opinions?

Certainly, and I would rather have the opinions on oath.

972. Do you think that if that were once made the rule, it would be satisfactory to the railway parties?

I stated originally that I came here entirely unprepared, and did not know a single question that I was to be asked; I am, therefore, perhaps giving altogether crude opinions; I think that it ought to be satisfactory to them, if they only want to have justice at as cheap a rate as it can be had.

973. Earl of *Romney.*] Has it not been said lately with respect to the Court of Chancery, that there is an immense importance in having the witnesses examined *vivâ voce*, instead of upon affidavit?

Very great.

974. In this case, you have suggested that the evidence shall be taken upon a written statement in the House of Lords?

Yes, but it has been taken in the House of Commons *vivâ voce*, and on oath, subject to cross-examination.

975. Suppose that I wish to cross-examine the person who has made a statement, not being satisfied with hearing it read?

If the Committee desired not to act upon the evidence which was printed, or if having heard it they afterwards thought it desirable to have a particular witness up, they could have him; but I think that the advantage would consist in the prevention of either party calling over again the same witness to prove the same facts before the second tribunal.

976. Duke of *Somerset.*] That would occasion a very great reduction of expense?

Very great; and it would save not merely calling the witnesses, but the time.

977. It would be necessary for that, in the first instance, that the evidence should be taken on oath?

Essential; my suggestion would be useless without it.

J. Swift, Esq.

6th July 1858.

978. *Chairman.*] Can you give the Committee a return of the expenses incurred in the different Bills which you have had before Parliament within the last two or three years.

Of course it could be done; I cannot state it off-hand at all.

979. Would there be any objection to do it?

Not the smallest, I think. I rather think that there are some such returns made to the House of Commons, or, if not, Colonel Wilson Patten, I know, is moving for them, because he asked for some information from my office about it.

980. Then perhaps you will prepare that return for us?

Certainly, if it is wished.

981. Do you think that there would be any advantage in having any portion of the evidence, for instance with regard to railways, taken in the country, and sent up to be laid before the Committees, without requiring the witnesses to attend here?

No; I think that there would be a very great disadvantage in it, both in point of expense and of the sort of evidence which you would get. I think that a witness brought before a Committee of your Lordships would give his evidence in a very different manner, and with very different results, from what would be the case if he were to give it before a person in a room in a small inn in the country; it would not be at all good, nor any saving of expense, because the Committee would not listen to it. We had that tried under the name of preliminary inquiries, and it was a most absurd failure.

982. What is your opinion of preliminary inquiries?

That they are a total waste of money. I never saw a Committee that would listen to them.

983. Is it your opinion that no preliminary inquiry which was not conclusive would save much time or expense?

Not a penny of money or a moment of time. In the first place, the evidence is not taken on oath; secondly, it is not taken really in the presence of the public; thirdly, you have not counsel, or rarely so; and if you have it is a great additional expense, and when you get the result here some defects are pointed out, and the whole thing is heard again.

984. Do you think that the Reports of the Board of Trade upon Railway Bills are of any advantage to Committees in coming to a conclusion upon the matter before them?

I think they cannot be of the least use, because the Committees never attend to them.

985. Do you think it desirable that the Committee should attend to them, and should state their reasons for not agreeing to their recommendation?

But they do not recommend anything.

986. Do you think it desirable that the Board of Trade, or any other department of the Government, should make reports upon the Bills, conveying more information to the Committee, and expressing a more decided opinion upon the merits of the matters brought before them?

I think that it would be very desirable if the Board of Trade were invested with larger powers of that kind; larger powers of inquiry and reporting.

987. Earl of *Doncaster.*] Practically, have not Committees almost always thrown over the reports of the Board of Trade?

Almost invariably.

988. If the report has been at all contrary to their opinion?

Yes.

989. Earl of *Romney.*] Do you not think that, practically, as far as you know, the Board of Trade are under the same difficulty, with regard to getting the information, that the Houses of Parliament would be under, if the evidence was got in the country?

To a great extent they are, with the further disadvantage of not hearing both parties together, and therefore their report would always come before the Committee with more or lessof suspicion.

990. *Chairman.*]

990. *Chairman.*] Would not the advantage of these reports be, as being reports not so much upon matters of fact, but upon matters of principle, with regard to the measures before Parliament?

That is what I mean. I think that if the Government, or Parliament, had any policy at all (at present they seem not to have any), and if the Board of Trade were ordered to report their views of that policy, as applicable to each Bill, that would be a great advantage; but what the policy would be, or whether the Board of Trade could usefully so report in the present state of railway legislation, is a matter that I cannot tell.

991. Earl of *Romney.*] Is it not the fact that Government Boards must, to a very great degree, act upon the reports of a particular surveyor? Take the Board of Admiralty; are they not always practically governed by the report of some one individual whom they send down to various places, and whose report they receive?

Yes.

992. Therefore what comes with the authority of the Board of Admiralty is, in fact, the report of some one person employed by them?

That is upon matters of fact. The Board of Admiralty and the Board of Trade used to offer, and occasionally do now, an opinion based upon fact. You may controvert before the Committee either the fact or the opinion, but still I can conceive great good to arise to the Committee from a well-considered Report of the Board of Trade upon facts ascertained through their own officers, not intending that any one should be bound by it conclusively.

993. Duke of *Somerset.*] This scheme could not be carried out unless principles were first laid down for the Board of Trade to act upon?

Not usefully; that is what I have stated.

994. Therefore it would be necessary, in the first place, that there should be either some Parliamentary inquiry, or some other inquiry, in order to lay down a set of principles which should guide the Board of Trade in their opinions?

Just so.

995. Earl of *Romney.*] Would it not, perhaps, be more convenient, if, instead of going to the Board of Trade, or any other Government department, there was a Committee (take, speaking of this House, the noble Lord the Chairman of Committees, and four or five other Lords acting with him) to go into the principles of the Bill, the second reading, as it were, and into the merits, so far as regarded the public; and then referring to the Select Committee only such parts of the Bill as were at issue between the parties?

No, I think that that would make two hearings instead of one; and then, again, I cannot tell what principles the noble Lord would lay down; he would want directing as to what should be the principles.

996. Take the question of competition, or non-competition, of railroads; let that matter be discussed upon the second reading of the Bill, and let it be a guide for that Committee?

To take that principle as an illustration, if Parliament had taken any view as to competition, or non-competition, and if the Board of Trade were to report upon Bills, they would report that such and such a bill contravened that principle, if it did so, and they would state in what respects it contravened it, and so on. It is in that respect that I think a Board might be found useful, if principles were laid down for their guidance.

997. With regard to the objection of there being two hearings, there would not be two hearings upon the same point, because the point to go before the first Committee would only be upon general principles, and not at all upon points at issue between private parties?

But you could not distinguish between private and public points; they would all be called public or private according to the views of the parties; supposing that the Committee which is spoken of had decided wrongly, the parties would say that a point of principle was involved, or that it was not.

998. Lord *Redesdale.*] The railway interest are very much concerned in some definite principles on the subject being laid down by Parliament, are they not?

I think they are evidently so.

J. Swift, Esq.
6th July 1858.

999. They have turned their attention very much to the subject lately, have they not?
Yes; there has been a very strong feeling among shareholders generally, I think.

1000. Are you aware whether any of those who have taken an interest in the subject have drawn up any principles which they would desire to be definitively agreed to by Parliament with a view to secure uniformity of action?
I have not heard of any; I should doubt whether they have.

1001. Do you not think that the drawing up those principles is a very difficult matter?
Very difficult, but not impossible, I should think.

1002. If those who are so interested in the subject, and have thought so much upon the subject, have not been able themselves to draw up any resolutions which they would submit as suggestions to Parliament, do you not think that it would be difficult for Parliament, with less information, to draw up those resolutions?
No; just the contrary. I think it is just because they are so interested; one person advocating competition because it is his interest, and another opposing it because it is his interest; that those are the parties who are not to be relied on to form an opinion which would influence Committees.

1003. Taking the principle of competition, do you not think it very difficult to define what competition is?
No, I think not.

1004. Duke of *Somerset.*] Applying that question to the Great Northern and the London and North Western Railway Companies, when the Great Northern Company were applying for their railway, should you have said that that line involved the principle of competition against the London and Birmingham?
No; because I think that the question of competition would always have to be judged of with relation to what has been spoken of constantly in connexion with it, namely, some territorial arrangement of the country.

1005. But that Bill was contested?
Clearly; it was fought by every company interested. No doubt every company fights every other company which is coming into its neighbourhood; that is just one of the evils of the present state of things.

1006. Lord *Redesdale.*] Do not you think that the fact of every company fighting every other company has been at the bottom of a great deal of the useless expenditure which has been incurred?
I do not think so; I think that what you might consider useless in fighting a Bill in Parliament which is staved off for half a dozen years is not useless, but useful. Very often the line has dropped or has been taken in another direction, and one better for the public and less injurious to the opposing company.

1007. *Chairman.*] Do you think it desirable then that Parliament should assign territorial limits to particular railway companies?
That was a scheme designed formerly in reference to railways; it is the scheme that has been designed in France, which I have had something to do with; it has succeeded there, and it will go on, and it will ultimately have to be adopted in this country sooner or later; there is no help for it, I think.

1008. Is it your opinion that the railway interests at present would generally acquiesce in such an arrangement if it were decided by Parliament that it should be adopted?
I have no right to speak for the railways generally; but I believe that there is a very strong feeling on the part of those who think about the matter that that would be the best solution of the question.

1009. Duke of *Somerset.*] Do you mean that you would divide the country, and give such a district, for instance, to the Great Northern Company, and such a district to the Great Western?
Yes.

1010. Is the principle that Parliament is to do that, because these great railway companies have already occupied a certain portion of the land?

J. Swift, Esq
6th July 1858

It does not follow that they should retain all they have got; an arrangement is more difficult now than formerly; but that there should be some territorial arrangement between all the companies, I feel sure.

1011. A company might have a great line of railway, but might be in a financial position of great inferiority to others; the whole country near it would suffer in that respect, because that company would not have the means of adding to the railway?

I think that instead of suffering it would gain, if I am correct, because there would be no more foolish and unnecessary lines made, and the company would be better able to maintain its position; and if that had been done 10 or 20 years ago, that company, whose poverty the question assumes would not have been in such a position.

1012. Earl *Graham.*] Take the case of a railway just open from Leicester into the Great Northern Railway; that is a line competing with the London and North Western, but at the same time it is a very great advantage to the whole country through which it goes?

Very likely.

1013. Does not that affect the question whether you are to have competition or not?

I do not think that that follows; because, supposing before that line was authorised there had been some understood arrangement between the Great Northern Company and the London and North Western, which of course would have included the Midland as belonging partly to one and partly to the other, then that line would have been made, though whether to Hitchin where it is, or to some other place on the North Western Railway, I cannot tell.

1014. Lord *Wodehouse.*] Supposing that there were two main lines of railway, dividing the country into two parts, and that the company to which one of those main lines belonged was willing to make a branch railway, that company not being the company to which the territory had been assigned, and that the other company was not willing to make it, would you not in that case give the option to the company who had not the territory to make the railway?

Such a case could not occur.

1015. Why not?

It would not be the interest of the company whom your Lordship supposes to be willing to make it, to make it. I think that if your Lordship took any particular case, it would so appear. I think that it would be the interest of companies in that event to supply their own districts as much as possible, with the view of getting the most traffic that they could.

1016. *Chairman.*] Does anything else occur to you which you can suggest to the Committee?

No.

The Witness is directed to withdraw.

R. Baxter, Esq.

ROBERT BAXTER, Esquire, is called in, and examined as follows:

1017. *Chairman.*] HAVE you been much engaged in attending to the private business before Parliament?

Very much engaged.

1018. In what capacity?

As Solicitor.

1019. As solicitor for conducting Bills before Parliament?

Yes.

1020. With the experience which you have obtained of the mode of conducting business, can you offer any suggestions to the Committee by which the expenses might be diminished and additional expedition obtained in conducting business?

Yes; there are many suggestions which I can offer to that end. First, as regards the Standing Orders, we are required to put sections upon our notices,

R. Baxter, Esq.

6th July 1858.

describing the manner in which we pass through the lands of all the landowners.

1021. Duke of *Somerset.*] You are speaking now of railways?

I am speaking now of railways. That is wholly unnecessary, as it seems to me, inasmuch as we also lodge a full section with every parish clerk, so that a landowner has only to go to the parish clerk to see how it affects his property; and though a gentleman may be residing at a distance, he will naturally, when he gets a notice, send the notice down to his tenant or his agent upon the spot to inquire how it is likely to affect his property, and he will thereby get the information. Again, in serving the notices, it is true that we are now permitted to send them through the post, but if we do not get an acknowledgment returned by post that the parties have received them, we are still required to send after the parties to serve them, be they where they may within the United Kingdom; that occasions very great expense, and is wholly unnecessary, for no man now who is in the kingdom fails to get his letters by post.

1022. *Chairman.*] You would wish, then, that the transmission by post should be considered as good service?

I think so. Again, in the Standing Orders, although your Lordships' House has adopted, to some extent, the same practice as the House of Commons in allowing compliance with the Standing Orders to be proved before the Examiners there, so that one examination upon Standing Orders will serve for both purposes, yet that does not avail if there is any petition on Standing Orders presented against the Bill in your Lordships' House. Now that is entirely doubling the expense of going through Standing Orders; because, if a Bill is fought, of course we watch for any means of crippling our adversary, and if there is any little defect on Standing Orders we invariably present a petition in the House of Lords, and then the whole thing is gone through again upon that petition, and there are witnesses and expenses upon the point in dispute. It seems to me that if the Examiners were to report to your Lordships, as they report to the House of Commons, and if the matter in which the Standing Orders had not been complied with in the opinion of the Examiners, were alone left to a Committee of your Lordships' House to determine, namely, the Standing Orders Committee, as at present, we should be saved the expense of twice proving compliance with the Standing Orders.

1023. You think, then, that it would be desirable to have all questions of Standing Orders finally settled and decided upon before the Bill was read a second time in the House of Commons?

I think so.

1024. You are aware that there are some Orders, such as the Wharncliffe Order, which can only be settled after the Bill has passed through the House of Commons?

Yes; and I was going to offer a suggestion upon that point; namely, that that matter would be better proved before the Committee on the Bill than proved before the Standing Orders Committee. There are exceptional cases arising; take the case of a small company in which one man has an overwhelming influence; if he has more than one-fourth of the property he may stop any legislation under the Standing Order. Now that is a case in which it would be necessary to appeal to your Lordships' House to suspend the Standing Order, whereas if you let the result of the Wharncliffe Order be proved before the Committee on the Bill, if there were exceptional circumstances, the Committee having the whole case before them, would be able to judge whether the parties should be relieved from them, or whether the Order should be enforced. I would venture to offer a suggestion also as regards the cases in which Standing Orders are not complied with. It really seems to me, that instead of troubling a Committee to meet in the Commons, and instead of troubling a Committee of your Lordships to meet, the question whether the Standing Orders should be dispensed with might safely be left to the Chairman of Committees. He has more experience, and is in more constant communication with the parties, and understands the case far better than a Committee could be induced to attend to it or to understand it.

1025. Do you think that that would give equal satisfaction to the parties as if it

it was referred to a panel of Chairmen, or to a Committee of two or three specially appointed for that purpose?

I really think it would; I think that the attention paid by the Chairmen of Committees in both Houses is such now, and though they have conflicting cases to hear, yet the very good temper with which they hear them, and the judgment which they generally exercise in deciding upon them, are such as to give very general satisfaction, and particularly in the matter of Standing Orders. I think that there would not be the slightest misgiving if those cases were decided by the Chairman, instead of troubling a Committee of the House to decide them. Then, in your Lordships' House, there is a practice which is expensive and peculiarly annoying, that is, the requiring the witnesses to be sworn at the Bar of the House. The misery of that is excessive; we write to gentlemen in the country; they come up; there is no House sitting; the Committee is sitting; we cannot present them to the Committee on that day. Only last week I was present with Mr. Beckett Denison, and about a dozen other witnesses, desiring to be sworn; we were kept three-quarters of an hour waiting at the Bar; the other witnesses were kept outside the House. It so happened, however, that two gentlemen were very much out of temper; there had been three of them come up together; the clerk came with the book to swear them; he took the oath of one of them, and would not take the oaths of the other two, and there they stood, having lost their train, and saying that the thing ought not to be permitted; that it was a scandalous way of doing business, for them to be kept in that way. There can be no reason in the world, as it appears to me, why the Chairman of each Committee should not be authorised to administer an oath. It is very inconvenient to your Lordships' House to have a number of witnesses crowding at the Bar; the clerk at the table who swears them has other offices to perform, and you cannot get him down sometimes for half an hour. I have been kept an hour and a half myself waiting there, before I could get the clerk at the table to come and administer the oath.

1026. Lord *Redesdale.*] Are you aware that what you recommend could not be done except by an Act of Parliament?

So I have understood; but it is entirely out of date to require all parties to come to the Bar of the House, and it is very expensive too. We have to bring people up at least one day before they give evidence, in order to get them sworn. On the Wednesday your Lordships' House does not generally sit, and if a Committee sits on the Thursday, we cannot get them sworn on the Wednesday; and frequently Committees are delayed by these circumstances.

1027. *Chairman.*] Is the remedy which you would propose that the Chairman of the Committee should have the power of administering the oath?

Just so. Then, as regards the constitution of the Committees on Private Bills, that is really the most serious case. We have now distinctly to prove the case twice over, once in the Commons, and once in the Lords. If it were matter of public or political import, or affecting the social condition of the kingdom, it would be another thing; both Houses might wish to act independently, and have a separate tribunal; but, in a matter of private concern, whether waterworks should be erected at A, or a railway be permitted from B to C, upon a matter which is purely local, it seems so unnecessary that each House should stand independently of the other, and that the parties should be required twice, at a great expense, to prove by the same witnesses their case, that I would venture to suggest what I have, I think, on a former occasion, thrown out, that a joint Committee of the two Houses, for the mere private business of the country, might be established, and it would be a saving of an enormous expense and inconvenience in the conduct of private business.

1028. Do you think that the same object might not be equally well attained, by admitting the evidence which was taken in one House of Parliament to be communicated to the other, and acted upon, without taking that evidence afresh?

I am afraid that that would not answer; a witness has been examined in the Commons for instance, and his cross-examination has either been omitted, or the point upon which you desire further information has not been entered upon;

R. Baxter, Esq.

6th July 1858.

the evidence comes up, it is true, printed, but it is very incomplete, and the arguments of counsel are directed to what appears in print; they have to argue the case again before the Committee, it is true, upon the same evidence, but without the opportunity of cross-examining the witnesses, or without the opportunity of the Committee itself seeing the persons; seeing how they give their evidence, and in conflicting evidence attaching weight not merely to the words but to the manner in which it is given, and the apparent candour with which questions are answered on cross-examination, I do not think that it would be found to work satisfactorily.

1029. In the case of ordinary unopposed Bills that objection would not exist; would not, in the case of unopposed Bills, that mode of proceeding meet your views, and prevent the necessity of a double procedure?

Quite so; in unopposed Bills the expenses are comparatively small, but in Bills which are opposed the expense is exactly doubled.

1030. But even in the case of unopposed Bills, have you not a certain number of witnesses whom you would be required to detain in London, or to send for again?

We have to a certain extent; but then in unopposed Bills we can always, through the courtesy of the Chairman of Committees, fix the Committee at a convenient time, and the parties come up and go down again; it is but a few hours of a single day, and the expense of it is very unimportant. But in large contests, such as those affecting water, or railways, or a drainage, the expenses of the hearing before your Lordships' House are quite as large as those of the hearing before the House of Commons, and it is only the same story told over again by the same parties.

1031. Lord *Redesdale.*] Taking the imperfect constitution which necessarily must attend Parliamentary Committees, do you not think that the double inquiry is necessary in order to protect parties?

If there is no better method of conducting Committees than at present, I quite admit that it may be so; but I have never been able to see, since I became intimate with the proceedings in Parliament, why the present system could not be very much amended.

1032. *Chairman.*] In what way would you propose to amend the constitution of the Committees, apart from the suggestion which you have made of having a conjoint Committee of both Houses of Parliament; how would you improve the constitution of the existing Committees?

The first suggestion which I ventured to make some years ago, when under examination, was that there should be a panel of Chairmen. That was recommended by the Committee of 1847, and has been to a certain extent acted upon since. But at present, firstly, the business is thrown into a very much less time than it need be; the Committees rarely sit till after Easter, and there are two months, or six weeks at all events, wasted while gentlemen are in town, and might act upon Committees.

1033. Lord *Belper.*] You are speaking of the House of Commons?

I am speaking of the House of Commons; and when the Committees begin to sit after Easter, the pressure of the business is so great, and the multitude of Committees is such, that you cannot find the Chairman and Members of a Committee whom you would like to appoint to any very serious case; but if there were a panel of 24 Chairmen—and it would be easier still if the two Houses of Parliament could agree to have a joint Committee, so that there should be 12 from each House—and if the Committee began to sit in the middle of February, they would, by having no more than six Committees sitting each day throughout the Session, be able to get through the whole business.

1034. *Chairman.*] What duties would you assign to this panel of Chairmen?

That one of those Chairmen should preside over each Committee. I see from a calculation which I have, that in 1847, which was perhaps one of the busiest years Parliament has ever had, there were 500 sitting days in the Commons. Now if six Committees sat each day for five months, that would give 600 sitting days, allowing five days out of the week for sitting; so that it would comprise

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as much business as was done in that busiest year of Parliament; that would give each Chairman four Committees, and his total sitting would be 24 days; and Committees sit very much more than 24 days upon heavy groups now. One Bill which I had before a group this Session occupied 21 sitting days, and there were five other Bills besides the one of which I am speaking.

1035. Do you think that the present number of members upon Committees is the best that could be adopted, or do you think that any alteration in the number would be advisable?

I think that you would not improve the Committee by changing the number. If a joint Committee of the two Houses could be taken, so as to have two Peers and two Commoners, with a Chairman, as it happened, either a Peer or a Commoner, according to the person who took it, that would be the most convenient number. The only change which you could make would be to reduce the Committee to three.

1036. Do you think that there would be any advantage in a suggestion which has been made, that the Committee should consist of four, giving the Chairman a double vote, so as to add to the importance of the Chairman in performing the duties of the Committee?

We do not, generally speaking, like a Committee of four, because then, if the Chairman has one member who concurs with him, he carries the Committee. Until a greater selection is made of the Chairmen of Committees, you cannot have the Committees better constituted than at present; but there are gentlemen in both Houses who are perfectly competent to preside over a Committee with every possible satisfaction to the parties, and I need not say, that when a gentleman is in the chair who is accustomed to that business, the proceedings take only half the time, and are conducted with very much more satisfaction.

1037. What you would recommend would be, that in every case the Chairman of the Committee should be one of a panel of Chairmen who should be appointed at the commencement of the Session?

Just so; and the fact that the duties of those Chairmen are heavier, we find does not deter gentlemen from sitting upon Committees; gentlemen are kind enough to take a very great deal of labour, and if they were appointed on the Committee of Chairmen, they would take the labours, and I do not doubt that gentlemen would be found in the House willing to undertake the labours, and perfectly competent to it.

1038. Do you think that it would be desirable to refer to such a panel of Chairmen questions of *locus standi*, and other matters of a similar description?

As respects *locus standi*, I think the thing is very nearly worn out; Committees are now hearing almost everybody, and I think that the best rule would be to let them hear anybody who comes, having the power to inflict costs upon those who come, in their opinion, without a proper case.

1039. Do you think that the power of fining them in the costs, in the case of their proceedings being found to be frivolous and vexatious, would answer, so as to deter parties from bringing forward unnecessary cases?

I do, indeed.

1040. Do you think that there would be many cases in which the Committees would be disposed to find the proceedings frivolous and vexatious, or do you not think that they would be of very rare occurrence?

I do not think that they would be of very frequent occurrence; but it very rarely happens now that parties are not heard under the present Standing Orders of the two Houses; there are very few parties who do not get a *locus standi* at present, and I see no objection to any persons desiring to be heard, coming before the Committee. The Chairman would very soon find out what their case was, and the Committee would make very short work of it, if it did not relate to the matter in hand.

1041. Would there not be almost always a *primâ facie* case of justification for the parties to come forward, sufficient to prevent Committees giving costs against them?

I think that it would work its own cure, and that Committees who found that

R. Baxter, Esq.

6th July 1858.

their time was taken up by parties who did not ultimately prove that they had any right to be there, or any claim to be heard, would inflict the costs.

1042. Practically, is it not a fact, that though in election petitions a case may turn out to be frivolous and vexatious, yet very few cases have occurred in Committees where the petition has been held to be frivolous and vexatious?

That is very true; but it must be borne in mind that a party going before an Election Committee incurs a frightful expense, and very few will enter into it without being prepared for a very large expense indeed. The expenses, though comparatively large in opposing a Bill, are not so serious as to deter parties from coming, unless they are to be made liable to costs.

1043. Lord *Redesdale.*] If you allow any person to appear without inquiring into his *locus standi*, must you not require from all parties who do appear a large deposit to meet costs?

I do not think that any party would come before a Committee who really was not competent to pay something handsome; because he must pay his own counsel and his own solicitor to conduct his case.

1044. Do you not see that it might be very easy to put up a person who was a man of straw to be apparently the opponent, and that other persons might be sheltered as regards the chance of obtaining costs under his inability to pay?

I think that practically the proceedings in Parliament are not quite of that character; they are too large and too broad, and the result of a higher standing. That would do in pettifogging, in little suits at law; but a gentleman would not come before a Committee of the House of Commons or before a Committee of the House of Lords, and bring forward a man of straw; because the very first question put upon cross-examination of any one of the witnesses is, "Pray, who is this petitioner; what are his means; has he any property?" and if it turned out that he was really a man without means, the Committee would dismiss the thing at once. There is a much higher tone in parties who come before Committees of either House, than to admit, I think, of that difficulty to which your Lordship alludes.

1045. Earl *Graham.*] There is now often a question of *locus standi* as to railway companies; they may be very generally admitted, but still there are some whose property is not touched in any way, and who are often shut out. According to your principle, I suppose that such a railway company would be heard; or would you give the Committee the power of saying after they had heard them, that they should be saddled with costs?

I should give the Committee the power of inflicting costs upon parties who came in that way, without sufficient reason for petitioning.

1046. *Chairman.*] Can you give any suggestion to the Committee by which the expenses incurred for counsel and for witnesses might be reduced?

You cannot lessen the expenses of the witnesses, except by shortening the time for which you keep them in town. That time is long or short, according as the proceedings before the Committee are desultory, or are kept very strictly in order by the directions of the Chairman. As regards counsel, certainly the fees in Parliament are upon so much higher a scale than the fees in the common law courts, or in Chancery, that they excite considerable observation; but as regards the higher class of counsel, I do not think that those fees are out of proportion, considering the importance of the cases which they undertake. The fees paid to the junior counsel are certainly somewhat out of proportion, and might be, I think, usefully remodelled.

1047. Earl of *Romney.*] You say "remodelled;" when were they ever modelled?

They have been modelled by the practice of Committees.

1048. Earl of *Doncaster.*] Is it not the case that the attendance fee to counsel is the same to the senior and the junior in all the courts?

It is.

1049. The only difference as respects the senior counsel is the brief-fee?

Yes; in Parliament, each counsel has 10 guineas a day for attending Committee,

mittee, and five guineas for consultation, making 15 guineas; that is the same whether to a Queen's counsel or to a junior holding his first brief.

1050. Earl *Stanhope.*] Is the consultation fee charged every day?
Yes.

1051. Whether a consultation takes place or not?
There is a consultation every day.

1052. Lord *Redesdale.*] Is not that a new charge?
It has obtained ever since I have known Parliament.

1053. Earl *Graham.*] Is not the consultation merely formal for the purpose of obtaining the guineas?
Perhaps out of half a dozen consultations two of them may be unimportant, but in Parliamentary proceedings we generally deliver fresh papers to counsel every day; either papers for examining fresh witnesses, or papers to cross-examine witnesses who are produced by the other side. They have fresh papers given, and it is exceedingly useful to consult with counsel every day, and almost absolutely necessary.

1054. Lord *Redesdale.*] Do you not think that the ten guineas a day would be sufficient for the consultation as well as for the attendance?
I think as regards the junior members of the bar ten guineas would be sufficient without the additional five, but I think that the higher grade of counsel are entitled to something more. At the Chancery bar, and the common law bar, a Queen's counsel always has two guineas for consultation, and a junior one guinea.

1055. And they both have five guineas for attendance, have they not?
They are not paid by the day; let the case be ever so long there is a certain fee, and if the case occupies two or three days there is no more paid; the one fee covers the whole case. That would not do in Parliament, the proceedings are so long.

1056. Do not you think that they would be shorter if that were so?
Experience, I think, is the only test of that.

1057. *Chairman.*] Do you think that the present system of taxation of bills affords you any security for diminishing the expenses, or do you think that it would be desirable to introduce the principle of compulsory taxation?
I do not think that the question of taxation makes any appreciable difference. Most gentlemen in large practice have all their bills taxed regularly; all my bills, for instance, for the last 15 years have been taxed.

1058. The Committee have been informed that it is the practice with some of the great railway companies to have the accounts taxed by their own officer; is that the case?
It is not their own officer that it is done by, but gentlemen who have been taxing officers. It began by appointing a taxing officer as a private agent of the company to tax the bills; it has been continued by gentlemen who have practised as taxing officers who may not hold any appointment now; but the bills are regularly taxed by them with an intimate acquaintance with the practice of taxation.

1059. Is that course followed with every bill by all railway companies?
Yes, pretty generally.

1060. Practically, then, there is a system of taxation universally adopted?
Quite so; the Great Northern Railway Company, for instance, does not pay a bill which has not been taxed.

1061. Does not that operate to keep down the charges, in your opinion?
Certainly; it keeps the charges at a given scale. But it is not the scale of the charges which occasions the expense; it is the amount of the business which is done: it is the method pursued in the Committees which occasions the expense.

1062. Earl *Stanhope.*] From what you have now said, it would follow that the reduction which is actually made in taxing bills does not measure the full extent

R. Baxter, Esq.

6th July 1858.

extent of the saving which the system of taxing produces, because the system tends to make the charges lower in the first instance?

Certainly; there is no doubt that the knowledge that a bill is to be taxed induces the party who is making it out to be more particular in every item which he puts into it; and it is a wholesome system, therefore, to know that the bill is going to be taxed, and that care is bestowed in making out the bill.

1063. *Chairman.*] If that uniform taxation in the case of railway bills has the beneficial effect which you state, do you not think that a compulsory taxation would have a beneficial effect with regard to other bills where that course is not adopted?

I do not think that the amount would be very much varied by it. In all large establishments, my own establishment for instance, there is a regular clerk who makes out the bills; the principals never see the bills, they never know anything about them till they are paid; he is directed to make them out upon a certain scale, and he makes them out upon that scale, and there is an end of it.

1064. Is there not a certain class of bills in the Court which are uniformly taxed?

All the bills for trust estates are uniformly taxed, and the majority of Chancery bills are taxed.

1065. Lord *Redesdale.*] And taxation in almost all instances reduces the bills, does it not?

There is always something taken off upon taxation.

1066. *Chairman.*] I think you have stated, that the knowledge of the taxation keeps down the bills as much as the actual reduction which is made by the taxation?

Yes; parties who understand the matter can make out the bills exactly to a shilling as the taxing-master would tax them. There is a matter which I would bring before the Committee, namely, that in many cases the applications to Parliament would be altogether saved, if one or two general provisions were made as regards either railways, or waterworks, or drainage works, or other improvements. If companies carrying those things into effect were enabled to buy settled estates, they would often acquire the lands and construct the works without the necessity of coming to Parliament at all; it is the difficulty of settled estates, generally speaking, that drives people to Parliament. If the scheme is not very extensive, they can agree with parties who are able to sell their own estates to buy the property of them, and save the expense of coming to Parliament. Even as regards railways, there is no reason in the world why railways in small districts should not be made without an Act of Parliament. I have made one myself of 10 miles, and am about to make another of 10 miles, altogether without an Act of Parliament; and the only difficulty in making them to a greater extent is the difficulty of buying land that is settled property.

1067. Lord *Redesdale.*] How do you manage the crossing of roads?

Perhaps your Lordship will be astonished when I tell you that there is no law to prevent it; it is a singular thing, but the Act of Parliament which prevents the level crossing of roads does not apply to a railway constructed without the authority of Parliament.

1068. Earl of *Romney.*] Have you power to take toll without an Act of Parliament?

We do not want that power. If you run a coach upon the high road, for instance, a man cannot get upon the coach and ride without paying your demand; and so if your railway runs upon your own property, anybody who desires to go upon it has to pay the charge.

1069. If he does not, you do not take him?

If he does not, you do not take him.

1070. Lord *Redesdale.*] A man cannot use a locomotive engine upon a railway crossing a road without coming to Parliament; he can be stopped?

That may be a question; it has never been decided that it is so at present. You find in the country that trustees and surveyors of high roads are very willing indeed to allow the crossings, and the thing is constantly done; locomotives

motives do run across, and railways are laid across without the authority of Parliament. The protection of the public lies in this: that you cannot open a passenger railway without coming to the Board of Trade for a certificate, and they will not pass your line unless you have erected lodges at the level crossings to protect the level crossings; but they make no objection to the fact of your not having the authority of Parliament for the crossing. The only question to be raised at law would be whether a locomotive engine were necessarily a nuisance; if it were adjudged to be necessarily a nuisance, then it would be prevented from crossing a turnpike road, or driving within such distance of it as would create a nuisance, but that does not seem to be the prevalent opinion.

1071. Earl *Graham.*] It could hardly be decided at law to be a nuisance when it is done every day by railroads which have Acts of Parliament?

No.

1072. *Chairman.*] Did it ever occur to you, that an extension of the system adopted by the Inclosure Commissioners, might be advantageously pursued with regard to Bills of a comparatively inferior importance, such as Gas Bills and others?

It would be highly desirable to give facilities for works to a small extent, to give some department a power to authorise their being constructed, and even as to railways to a small extent, because no one who looks at the present state of passage in the country can doubt the fact that railways must be laid ten miles to one which exists at present, before the country communications are complete. We are sometimes enabled to lay railways at a small expense. One I have laid for 10 miles at 3,000 *l.* a mile.

1073. Where is that?

In Yorkshire; and the second 10 miles we shall add to it at the same price. In America, as the Committee know, they make their railways at an expense of between 2,000 *l.* and 3,000 *l.* a mile.

1074. Earl *Graham.*] The mere works, you mean?

The mere works; they have little to pay for land there. In New Brunswick they are making a railway now which costs about 2,500 *l.* a mile, but good railways can be made upon level country for 3,000 *l.* or 4,000 *l.* a mile. But as railways can be made in a level country for 3,000 *l.* or 4,000 *l.* a mile, they will pay in almost any position, if they communicate even between two country towns and nothing else, and they are very valuable in developing the resources of the country and assisting in the improvement of the lands.

1075. *Chairman.*] What would be the comparative expense of laying a railway at the low rate which you have mentioned and making a common road; would there be any great difference between the two?

Common roads only cost about 1,000 *l.* a mile, but canals will cost from 2,000 *l.* to 3,000 *l.* a mile, according to the country through which they pass. But the desire for railway communication is so great in every part of the country now, that if railways can be constructed cheaply, and if facilities are given for their construction, they will spread not only from market town to market town, but through rural districts where there are scarcely market towns.

1076. Earl of *Doncaster.*] Do you think it an advantage, and that it facilitates business, to group different Railway Bills before one Committee, or that it rather mars the conduct of the business?

It of course rather increases the expense to the parties promoting the Bills, but you must group them, because you cannot get a sufficient number of Committees to take them singly. If the two Houses could agree, so as to have Committees sitting from the middle of February to the end of the Session of Parliament, all those difficulties would be avoided. You only want about 24 Chairmen, and by each of them taking four Committees in the course of the Session, and each Committee sitting six days, you would do the whole business of the Session.

1077. Earl of *Stanhope.*] Must we not look forward to Railway Bills as every year likely to diminish in the length and importance of the railways?

Decidedly, in the length and importance of the railways; but then the Parliamentary

er, Esq. R. B. 858. 6th July

mentary expense becomes heavier in proportion. I know a dozen places where they would make railways if it were not for their fear of the Parliamentary expenses, but where they can raise money enough and get all the landowners but three or four or half-a-dozen to agree to give their land, they cannot get over those three or four landowners without Parliamentary sanction; and the expenses of coming to Parliament are so great, and the results of coming to Parliament are so uncertain.

Doncaster.] Is not one of the difficulties in making the amount of

1078. Earl of [illegible] have spoken, the fear or jealousy that one railway, which railway of which you [illegible] between two small towns, may open a line of competition, although its own length [illegible] is a very few miles? may be a connecting link [illegible] jealousy on the part of the old companies as to

Yes, there is a very great jealousy [illegible] company claims that it has its district, and those short lines; and every large [illegible] that district without its sanction. They that nothing should be made within [illegible] bye; but there is a very considerable will learn to be less jealous of it by-and-[illegible] of the fact, that every small railway jealousy now existing. There is no doubt [illegible] railway, as long as it is not used does materially add to the traffic of the larger [illegible] in competition.

1079. Earl of *Romney.*] Do you think it often happens that a friendly opposition is got up to a Railroad Bill, by which means the Bill is referred to a Select Committee, and then the opposition is withdrawn, in consequence of which there is not such a strict scrutiny into the merits of the Bill as regards the whole of it?

No, I do not think that that has ever been done. I have known, however, this done, that where parties have petitioned and they have agreed to withdraw the petition, the promoters have said, "Do not withdraw it until the Bill has got into Committee, for it will be more convenient to go through the Committee;" but that has only been where it has been supposed that the Noble Chairman of the Upper House might have some difficulty upon some points arising in the Bill.

1080. That gets it out of the jurisdiction of the Chairman of Committees in the House of Lords?

Yes, that does happen in your Lordships' House; but I do not know that I have ever known a case of its being concerted.

1081. And it is rather facilitated by the grouping of four or five small Bills?

Yes; but still the supervision of Bills in your Lordships' House is now so strict, that I do not think that even that would succeed. The Bills here are subjected to the strictest possible supervision.

1082. Earl *Stanhope.*] The supervision is supposed to be stricter in the House of Lords than in the House of Commons?

Yes, very much so.

1083. *Chairman.*] Do you think that the Reports of the Board of Trade upon Railway Bills, and the Reports upon Harbour Bills, and so on, are of any advantage in guiding the Committees to a proper conclusion?

I think they are always attended to by the Committee. In nine cases out of ten they require proof, if you do not comply with them, why you do not comply with them; and they very often send you back again to the same department, to make your explanation there before the Committee decide.

1084. Do you think that it would be desirable to require, in the case of every Private Bill, that there should be a report from some public department upon the merits of that Bill, so as to prevent the public being injured by any provisions injurious to them, which might creep into an unopposed Private Bill?

No, I do not think it is necessary at all, in the present state of business in the Houses. I remember a time when the business of the House of Commons was very differently conducted, as regards the Chairman of Committees, from the manner in which it is conducted now; and the supervision of Bills in your Lordships' House has always been extremely strict. I do not think that there is the least necessity for interposing any other tribunal of any sort whatever.

1085. You

1085. You think that the supervision of the Chairman of Committees in the House of Lords acts as a sufficient protection to the public against any injurious provisions being included in a Bill?

That and the supervision of the Chairman of Committees in the House of Commons; and also the manner in which they refer certain matters for the Report of the Board of Trade. I do not think that there is anything more required. I do not think that the public is in any danger as to the passing of Bills from the present system which is adopted. The thing which is most requisite at the present period is an improvement of the Committees of the two Houses of Parliament; they really have not kept pace with the times; they are very much better than they were, but they really are not, even now, what they ought to be, considering the experience which Parliament has had, and the great number of very good men of business that there are in both Houses, who are perfectly competent to conduct the business in the most efficient manner; but from the want of system and method, the business of the Houses is certainly not conducted as it might be.

1086. Have you any other suggestions to offer to the Committee by which this object might be effected, beyond what you have already stated?

No, I do not think of anything more.

The Witness is directed to withdraw.

Ordered, That this Committee be adjourned till Thursday next, half-past Two o'clock.

Die Jovis, 8° *Julii* 1858.

LORDS PRESENT:

Earl of DONCASTER.	Lord WODEHOUSE.
Earl STANHOPE.	Lord REDESDALE.
Earl of POWIS.	Lord PORTMAN.
Viscount HUTCHINSON.	Lord STANLEY of Alderley.
Viscount EVERSLEY.	Lord BELPER.

THE LORD STANLEY OF ALDERLEY in the Chair.

SIR JOHN GEORGE SHAW LEFEVRE, K.C.B., is called in, and examined as follows:

1087. *Chairman.*] I BELIEVE that the management of the fees is under your direction?

It is so.

1088. Can you state to the Committee under what provisions the present scale of fees was framed, and whether you think that any alteration might be introduced into it with advantage?

The greater part of the fees depend upon a table which received the sanction of the House in the time of Mr. Courtenay, now the Earl of Devon; there have been, in fact, only two changes of any importance made since that time; one of them was the introduction of a fee of 5 *l.* for the certificate of compliance with Standing Orders, with a view of meeting the extra charge incurred under the arrangement made two or three years ago for the preliminary joint examination of Bills with reference to Standing Orders by the officers of the two Houses; the other alteration was a much more important one; it was to alter the fee previously charged upon the second reading. That fee was of the most complicated character; it was composed of seven different fees, payable to the Lord Chancellor, the clerk of the Parliaments, the gentleman usher, the clerk assistant, the yeoman usher, the reading clerk, and the doorkeepers. The whole of those fees together amounted to 27 *l.* upon what was called a Single Bill. Then there were a variety of regulations of a very perplexing character, under which certain Bills were charged a double fee, and certain other Bills a multiplied fee. I will read one of these regulations: "Every Bill containing separate objects or provisions, not essentially connected with each other, or which shall be executed by different bodies of persons, shall pay fees for each object, provision, or body." The consequence of this and the other regulations was that it became necessary to look at every Bill to see how many separate objects it comprised, and by how many different bodies of persons it was to be executed, and when this was ascertained, it was requisite to multiply the 27 *l.* by the number of those objects and bodies. The effect of these regulations was to charge some Bills with very large fees, especially some which ought not to be very highly charged, such as Improvement Bills, which latterly (more especially) have contained a variety of distinct objects; as, for example, water, gas, cemeteries, police, and other objects quite distinct one from the other; those were each considered separate objects, and the 27 *l.* had to be paid in respect of each of them; so that on some of those Bills the fees amounted to several hundred pounds, whereas upon a Bill simply for making a railway, however large the amount of its capital was, and however important the railway, the Bill was only charged 54 *l.* It may readily be

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Sir J. G. Shaw Lefevre, K. C. B.

8th July 1858.

be imagined what complications this gave rise to, and as I had to settle what was to be paid, I was in frequent collision with the agents as to what was the proper fee; it formed not an unimportant part of what I had to do, and on the whole it created a good deal of dissatisfaction. After consulting with the Parliament Office Committee and Lord Redesdale, it was thought that this mode of charging fees might be very advantageously changed; and, accordingly, in lieu of this complicated system of fees on the second reading, a much more simple one was established, which charged every Bill with a fee of 81 *l.*, with certain exceptions; these exceptions are Divorce Bills and Name Bills, Bills for charitable, literary, and scientific purposes; which are charged 27 *l.*; Bills relating only to gas or only to water, instead of 81 *l.* were charged 54 *l.*, as those were considered to be very important Bills for the purposes of local convenience, and generally were not Bills which would bear a large fee, inasmuch as the parties who promoted them had no great amount of capital. The fee on a Gas or Water Bill, however, is 81 *l.* if the capital is beyond 25,000 *l.* Then, in order to indemnify the House for this reduction of its fees, an addition was made as regards joint stock companies, not being for gas or water, when the amount of capital exceeded certain sums. When the amount of capital exceeded 25,000 *l.* an additional fee of 27 *l.* was made payable, and when the amount of capital exceeded 200,000 *l.* a further additional fee of 27 *l.* was made payable. The Committee went no further; they did not proceed, as the House of Commons proceeded, to charge what might be considered in the nature of an *ad valorem* fee upon the amount of capital. It was thought that enough was done when these two additional fees were established, one when the capital exceeded 25,000 *l.*, and the other when it exceeded 200,000 *l.* The view taken by the Committee was to increase the fees beyond what they then were, but to treat the matter as a commutation of fees. That course was the more necessary then, because Sir George Rose was at that time alive, and neither he nor Sir Augustus Clifford had commuted their fees, and they both had a very important share of these fees upon the second reading. Therefore the House could not make any arrangement which would reduce the average amount of fees payable on the second reading without injuring their rights, and diminishing the emoluments to which they were entitled.

1089. Is any officer at the present moment remunerated by fees, or are the whole of the fees paid into the fee fund?

Sir Augustus Clifford is now the only officer remunerated by fees, with the exception only of the taxing officer and his clerk.

I have endeavoured to explain the fees which are paid upon the second reading. There are likewise a variety of fees which are paid in respect of the proceedings in Committee, which the Parliament Office Committee did not enter upon when they altered the second reading fees. Some of those fees are paid in respect of the yeoman usher, and the doorkeepers, and the gentleman usher; others are paid in respect of the Committee clerks; I will not attempt to read them; they are very detailed. I will give specimens of a few. For instance, "To the clerk assistant for entering the names of the Lords' Committees, and serving copy thereof if desired, 10 *s.*; to the copying clerk, 11 *s.*; to the clerk attending the Committee, 4 *l.*; upon every petition against a Bill referred to a Committee upon which petition the parties are to be heard, 2 *l.*; to the assistant clerk of the Committee, for every Bill, 15 *s.*" A great number of items of this kind were and are still charged to the parties. They are not paid to the officers, for, with the exception of the Gentleman Usher of the Black Rod, the fees are all commuted, and are paid into the fee fund; but still they are charged to the parties in that way, in detail, for separate officers, and for separate acts done. Besides the fees payable in respect of proceedings in Committee, there are a variety of miscellaneous fees paid on every Bill. For instance, for every order made in relation to a Private Bill 10 *s.* is paid in respect of the clerk of the Parliaments; 4 *s.* 6 *d.* is paid in respect of the clerk assistant; and 6 *s.* 6 *d.* in respect of the clerk of the Journals, making together 21 *s.* Then if an order be made on petition, a fee is paid in respect of the clerk of the Journals of 4 *s.* 6 *d.*, and on every petition for a Private Bill a fee of 2 *s.* is paid to the reading clerk. I mention these as instances to show the multiplicity and detail of these fees, which are not now paid to the parties who do the work, but to the fee fund.

1090. Earl

1090. Earl *Stanhope.*] Does that apply to any formal orders, such as when there is a mere order of postponement in the House?

I believe it applies to everything; to every order made in the House.

1091. Lord *Redesdale.*] You think that it would be desirable to commute those fees in the same way as the fees which have been already commuted and made into one sum upon the second reading?

I think it would be extremely desirable to do that, and to make them payable, as has been done in the House of Commons, upon the different stages of the Bill. It would be much less annoying to the Parliamentary agents, and a great deal less inconvenient to the officers of the House, because all this detail occupies in part the time of several clerks, and is liable, of course, to mistakes and to disputes, without any adequate advantage arising from it. I have no wish to suggest an increase of the fees, nor a diminution of them. I think that their present amount does a kind of rough justice. It is rather more than enough to pay for the expenses which Private Bills create. It is difficult, perhaps, exactly to ascertain what those expenses are, but I have endeavoured roughly to estimate what proportion of the expenses of the establishment the private business ought to bear as compared with the public business, considering the officers who are engaged in it, and I think that a little more than half is not unreasonable. The fees, doubtless, produce somewhat more than the private business costs; but then in fixing some of these fees, it may have been intended in part that they should yield revenue, something like the taxes upon transfers of property. For instance, an Estate Bill is in reality very little different from a conveyance, which is liable in various cases to stamp duties; there seems, therefore, nothing contrary to principle in charging some kind of Private Bills not merely for the work done, but somewhat more.

1092. *Chairman.*] Then do you think that, upon the whole, there is a small amount of surplus, which is paid over to the Consolidated Fund?

No, there is no surplus at all; quite the reverse. The total amount of fees is not sufficient to pay the establishment of the office; but I think that they pay more than that part of the establishment would cost, which may be considered as applicable to Private Bills.

1093. You mean that a portion of the expense of the establishment is for public business, which ought properly to be defrayed out of the Consolidated Fund?

Yes.

1094. Lord *Redesdale.*] The fees upon Private Bills, in fact, pay about as much as the private business costs the establishment?

I think they pay rather more; it is difficult to calculate it. It is somewhat difficult to know how much of the time and labour of some of the officers of the House is devoted to private as contradistinguished from public business. Even as respects myself, although engaged principally in public business, I have a certain amount of trouble and labour in respect of private business. So as regards the Journal and the Minute. Of the Journal a great deal is caused by the entries of private business and of the Minute also. I think, as I said before, that the present amount of fees does a kind of rough justice, which it is perhaps hardly worth while to disturb.

1095. *Chairman.*] Did I understand you rightly, as saying that in the House of Commons now all these small charges are discontinued, and that the fees are levied upon different stages of the Bill in a comparatively large amount?

I believe that that is entirely the case.

1096. Then upon the understanding that the same amount should be received by the fees in aid of the maintenance of the establishment, you think that the same amount of revenue would be much better raised, with more convenience to the parties, and more convenient to the officers of the House, if it was levied in the same manner in a certain sum upon each stage of the Bill?

Very much so indeed; and if the Committee thought fit to refer that matter

Sir J. G. Shaw Lefevre, K. C. B.

8th July 1858.

to the Parliament Office Committee, which has usually had the management and consideration of all those things, it could be adjusted.

1097. How is that Committee composed?

The Parliament Office Committee is a Committee appointed at the commencement of every Session, consisting of the Chairman of Committees and certain other members of the House who have taken an interest in these matters. However, it is immaterial, of course, whether your Lordships like to fix it yourselves, or to refer it to that Committee. I could very easily suggest a fair commutation, proceeding on the principle that it is not to increase or diminish the present amount. I am persuaded that it would be a very great convenience to everybody concerned.

1098. Do you think, upon the whole, that the fees fall too heavily upon any particular class of Bills, and that there might be any alteration made in that respect with advantage?

No complaints have reached me on the subject. The fee which gives the greatest amount of trouble is the fee which I have described payable on the second reading. The agents have been very well satisfied with the change which was made. In fact, I may fairly say that during the last two years I do not think that I have had more than one question, or at most two, upon the second reading fee as now settled; it has worked perfectly smoothly, and it has produced on the average, I believe, as nearly as possible the same amount, perhaps a little more than under the old system.

1099. Do you think that in the cases of some comparatively unimportant Bills the amount of fees bears an unfair proportion to the advantages which the parties seek, as compared with the fees imposed upon Bills of greater consequence?

I am inclined to think, confirming the view which was taken by the Committee before, that upon Gas Bills and Water Bills, where the capital invested is very small, the fee upon the second reading might be reduced fairly to a single fee, and the parties might pay 27 *l.* instead of 54 *l.*

1100. Earl *Stanhope.*] Would it be easy to draw the line where you would make such a difference?

I should put a low limit for the capital, 5,000 *l.* It sometimes happens that a very small place gets up a water company or a gas company, in which a very trifling amount of capital is raised, and which is not got up in the least as a commercial affair, but solely for local convenience.

1101. *Chairman.*] What House fees are charged upon Bills of the Inclosure Commission when they are all scheduled in one Bill?

We have no fees upon those.

1102. In consequence of their being scheduled in one Bill, and that Bill becoming a public one, they pay no fees to the House?

They pay no fees at all.

1103. Viscount *Hutchinson.*] If an inquiry takes place in the House upon one of those public Bills affecting private interests, are fees then paid?

I think not. I do not recollect any fees being paid upon those Bills; I think that they are considered as public Bills.

1104. I recollect a case in which a Board of Health Bill was referred to a Select Committee; were fees paid upon that occasion?

I think not.

1105. Lord *Redesdale.*] Do you not think that there is some objection to making the amount of fee dependent upon the amount of capital in the small concerns which you mention, namely, that it tempts the parties to take the lower amount of capital, and then finding that insufficient, they are obliged to come again at a future period for another Act, whereby they incur more expense?

It is open to that objection. At the same time, the fee forms so small a part of the expense of getting a Bill that it does not operate much as a motive.

1106. *Chairman.*]

1106. *Chairman.*] Have you any other suggestions to make with regard to the fees?

Sir J. G. Shaw Lefevre, K. C. B.

8th July 1858.

No. I think that if the suggestion which I have offered were adopted by the Committee, great improvement might, with very great facility, be made in the present plan.

1107. In fact, retaining the amount paid by the public in the shape of fees, you think that the alterations which you propose would very much simplify the work, and be of advantage both to the parties who seek the Bills and to the officers of the House?

That is my opinion.

The Witness is directed to withdraw.

JAMES BOOTH, Esquire, is called in, and examined as follows:

J. Booth, Esq.

1108. *Chairman.*] YOU are Secretary to the Board of Trade?

I am.

1109. Previously to that time you were very much concerned in the business of the House of Commons, in the drawing up of Bills and otherwise in the private business of the House?

Yes; I held the office of counsel to the Speaker from the beginning of the year 1838.

1110. Since that time, as secretary to the Board of Trade, you have been also very much concerned in the reports which have been made to Parliament on Railway and other Bills?

I have had a large share in the preparation of those reports.

1111. In the course of the opportunities which you have had of attending to the conduct of private business, has it occurred to you that any improvements might be introduced, either in the mode of taking preliminary inquiries, or in the adoption of any other system which might diminish the expense and facilitate the transaction of business before Parliament?

I do not think that any advantage would be likely to result from preliminary inquiries being undertaken, such as have hitherto been undertaken. In my examination before the Committee of the House of Commons upon Railway and Canal Bills, I have suggested a scheme which it appeared to me would relieve the Houses of Parliament of a considerable amount of railway business, and at the same time I thought that it would be a boon to the railway companies.

1112. Will you state to the Committee what was the nature of the scheme which you proposed to the Committee of the other House?

I proposed that an Act should be passed which would empower any existing railway company, or any new company, to make any new line of railway or railway works, upon compliance, to the satisfaction of some department of the Government (I suggested the Board of Trade), with certain preliminary conditions to be prescribed in that Act. Supposing that no opposition were made, I proposed that the works should be allowed to be made according to a scheme, to be approved by the Board of Trade, upon their certificate, published in the Gazette, that the requisitions of the Act had been complied with. Supposing that any objections were made by landowners, or by persons having the control of public works, such as commissioners of roads and streets, or by existing railway companies, or some company promoting a rival scheme objecting on the ground that the scheme would interfere injuriously with their own interests, I propose that in those cases the certificate should not take effect upon publication in the Gazette, but that those schemes should be scheduled in a Public Bill, in the same way that the schemes for charities and for inclosures and town improvements are now scheduled. I proposed that upon the second reading of this Bill it should be referred to the Select Committee on Railways, and that each scheme should be dealt with thenceforward as a separate Railway Bill, but exempt from the ordinary Standing Orders.

1113. In your scheme, in the case of all unopposed Railway Bills, you would propose that the Board of Trade, or some other department of the Government,

J. Booth, Esq.

8th July 1858.

should perform the functions of the Standing Orders Committee, and should see that all the preliminary conditions had been complied with both with regard to notices, subscription lists, and other matters, and that if no opposition was made, then all such Bills should be scheduled in one Bill, and passed by Parliament, in the same manner as the Inclosure Bills; is that what I am to understand?

No. If there were no opposition made, I proposed that the Board of Trade should approve of a scheme for the execution of the work, and that upon their certificate containing that scheme being advertised in the Gazette, then the work might at once be made.

1114. Without the intervention of Parliament?

Without the intervention of Parliament at all, if no opposition were made.

1115. Lord *Redesdale.*] How do you propose to have the attention of parties called to the scheme while it is before the Board of Trade for approval?

Before approval, I proposed that the Board of Trade should cause it to be advertised by the parties in such manner as the Board should approve.

1116. Earl of *Powis.*] Do you propose that such a scheme when certified by the Board of Trade should carry with it the powers of taking compulsory possession of lands?

I do.

1117. *Chairman.*] In the case of any landowner objecting, you would propose that a Bill should be submitted to a Select Committee of the House of Commons, as is the case now?

Exactly so. The scheme being scheduled in a Public Bill, would be submitted to a Select Committee, as at present.

1118. It would only be in the case of a landowner agreeing with a railway company, and no opposition being therefore made to the scheme, that you would have the certificate of the Board of Trade conclusive as to the powers given?

That is what I propose.

1119. But in the case of any landowner objecting, then the case would be taken out of that category, and would be put into the same position as a Private Bill to be submitted to a Select Committee of the House of Commons?

Not exactly as a Private Bill. I propose that the schemes in all those cases where objections were made by landowners should be scheduled in a Public Bill. Then upon the second reading, I propose that this Bill should be referred to the Select Committee on Railways, and that all those cases which were opposed only by landowners should be referred to the same Committee, and that they should deal with the objections made by the landowners.

1120. Lord *Redesdale.*] But a landowner may object upon merits?

I propose that his objection should be confined to special objections.

1121. The special objection may be that he considers that the line is unnecessary; that a better line may be taken; or there may be a variety of objections, which are objections upon merits?

If he were prepared to show that the line by being carried some short way round about would avoid the particular objection which he had to make, I think that that would be a fair objection, and that he ought to be heard. But I am prepared to assume this, that supposing it be made out to the satisfaction of a department of the Government that there is a company formed with ability to make a new line of railway, and who are prepared to give security that that railway shall be completed, that is a public good; and I think that upon that assumption it is not unreasonable that, if it is a mere question of taking so much land, the landowner should not be allowed to object, having, of course, compensation for his land.

1122. Lord *Wodehouse.*] You, in fact, would not allow the landowner to appear merely as one of the public; you would only allow him to appear in so far as his own land might be affected directly by the railway?

Exactly so.

1123. Earl of *Powis.*] Would you allow existing companies and competing projects or lines to appear before the department in the first instance?

Yes. Suppose that an objection is made by an existing company that the line competes injuriously with a line of their own, in that case I would have the scheme scheduled in a public Bill, in the same way as upon an objection taken by landowners, and I would propose that all those cases which were objected to as competing schemes should be referred to the same Committee.

1124. *Chairman.*] Then in all cases of opposed as well as unopposed Bills you would have the action of the Board of Trade substituted for the Examiners on the Standing Orders Committee, would you not?

In all cases.

1125. Earl of *Powis.*] Would you save much in point of expense by that?

I think a good deal.

1126. Earl *Stanhope.*] Have you made any calculation upon that subject?

I have not.

1127. *Chairman.*] In what way do you think that most expense would be saved by adopting that system?

I should propose that no fee should be paid upon the public Bill.

1128. You are speaking of the House fees?

I am. It might be proper that some fee should be paid upon each scheme when it came to be dealt with by the Committee. The fees to be paid when it came before the Select Committee, and the costs to which the parties would be put in contesting the matters before the Select Committee, would be the only expenses to which I should propose that they should be subjected. I think that those would be very considerably less than the expenses even of an unopposed Bill in general.

1129. With regard to the preliminary proceedings, would not the expenses of proving the compliance with the Standing Orders be much the same whether it was proved before a department of the Government, or before the Examiners, or the Standing Orders Committee of the House?

They would be perhaps somewhat the same; but probably the periods at which the thing could be done would be more convenient to the parties. I think that probably they would be put to less expense in proving those matters before a department of the Government than before the Examiners or the Standing Orders Committee.

1130. After all, I suppose that the great saving of expense which you would contemplate by this scheme would be in the case of Bills where a railroad was to be made through the property of landowners, only two or three of whom objected; in those cases I suppose the saving would be considerable?

I think the saving would be considerable. I think that also it would be considerable in the case of the generality of opposed Bills.

1131. Lord *Portman.*] You have been speaking of opposed and unopposed Bills; do you mean that this department of the Government is to settle the *locus standi* of the opponents?

No; I have no intention of that kind.

1132. Then how would you determine whether the Bill was opposed or unopposed?

If the scheme was objected to by a landowner, I should treat it as an opposed Bill; if it was objected to by bodies having the control of public works, on the ground of interference with their works, I should treat it as an opposed Bill; if it was objected to by an existing railway company, or by a company promoting a rival scheme, I should treat it as an opposed Bill.

1133. You would give all the parties, in point of fact, a *locus standi?*

To those parties I would give a *locus standi.* I propose that with reference to opposition made by competing schemes, the Committee should have power

J. Booth, Esq.
8th July 1858.

to award costs in any case in which they should think that the opposition had been illusory or vexatious, confining it to the cases of competing schemes.

1134. *Chairman.*] Do you not think that the effect of awarding costs in the case of any petition which should be found to be insufficient, would be to deter landowners from petitioning against a railway, for fear of such costs being given against them?

I did not propose that the Committee should have power to give costs against the landowners. I merely intended it in the case of competing companies.

1135. Lord *Portman.*] Generally speaking, the landowner is the stalking-horse of the competing company, and in that case the costs would not be given because it would be a landowner's opposition, when really they ought to be given, because it was the company's opposition; how would you provide for that case?

I should not allow landowners to be heard upon objections to it as a competing scheme.

1136. *Chairman.*] You would confine it to the rival companies?

I would confine that kind of objection to the companies; I do not mean to say that, supposing there were two new competing schemes before the Committee, both passing through a landowner's land, I would not allow him to be heard to say that he preferred one to the other, but substantially I would confine him to the objection which he had to make on the ground that his lands were unreasonably interfered with.

1137. Lord *Portman.*] Then it probably is in your contemplation almost to define the *locus standi* by your plan?

It would have that effect; that is to say, all landowners desiring to object should have a *locus standi*, and all rival companies would have it subject to the penalty that they might be mulcted in costs.

1138. Lord *Belper.*] Did I rightly understand you to say that you would propose that all Railway Bills, whether opposed or unopposed, should be scheduled in a general Bill?

No; the unopposed Bills I should propose to take effect immediately upon the certificate of the Board setting forth the scheme, and that the preliminary conditions of the Act had been complied with.

1139. *Chairman.*] In fact, there would be no Bill for those schemes?

No Bill at all.

1140. It would be like the Board of Trade granting a charter?

The scheme would take effect from the certificate of the Board of Trade.

1141. Lord *Belper.*] Without Parliamentary sanction?

Without Parliamentary sanction; the Parliamentary sanction would be the Act that I should propose, which would define the conditions upon which the parties should be allowed to execute their work.

1142. With respect to opposed Bills, are the whole of the opposed Bills to be scheduled in a general Act?

Yes; if they are opposed either by landowners or by bodies having the control of works, complaining that those works are injuriously interfered with, or by companies complaining on the ground that the proposed schemes compete injuriously with their schemes.

1143. One of the principal advantages of the economy which you contemplate, by your mode of dealing with these Bills, would be the saving of the fees of the two Houses?

That would be one considerable advantage.

1144. Do you conceive that at the same time this process would save, to a corresponding extent, the labour and expenses of the House in dealing with these matters?

The House would, in the first place, only deal with the cases which were opposed.

1145. I am

1145. I am speaking entirely of opposed Bills?
Then the opposition would be considerably limited; it would be seen at once what the grounds of objection were.

1146. Supposing that the present fees are a compensation for the labour and expense incurred by the two Houses of Parliament in dealing with these Bills, unless you reduce that labour and expense in a corresponding degree, the public will be the losers by the amount of fees so reduced?
I think that the labour incurred by the officers of the House would be considerably reduced.

1147. Lord *Redesdale.*] You would make the parties pay all the expenses before the Board of Trade, I suppose; you would not subject the public to any expense on that account?
I had not contemplated that; but that is a fair question for consideration, I think.

1148. Of course, if the public undertake all the expenses which are now borne by the parties, it will materially reduce the expense of getting up a scheme?
It has not hitherto been the practice of the Board of Trade to make any charges for matters which are considered before them; but I do not see any objection in principle to a charge being made, such as should compensate the Board for any extra work which might be thrown upon it.

1149. *Chairman.*] Did you also contemplate in the scheme which you proposed to the other House of Parliament, that the Board of Trade should be empowered to make working arrangements between different companies?
Yes, I proposed that two or more railway companies might enter into working arrangements, to be approved by the Board of Trade in certain cases.

1150. You proposed that they should be substitutes for amalgamation, but for a limited period?
Yes; in the scheme which I gave in to the Committee of the House of Commons, the period was limited to 10 years, to be renewed from time to time.

1151. Which would save the companies from the necessity of applying to Parliament for amalgamation?
Yes; or what is now the common substitution for amalgamation, working arrangements.

[*The following paper is delivered in.*]

OUTLINE of a BILL for giving Facilities for making NEW LINES of RAILWAY, and for sanctioning WORKING ARRANGEMENTS.

I.—NEW LINES OF RAILWAY.

Any new company, or any existing company, upon compliance, to the satisfaction of the Board of Trade (or some other department), with certain preliminary conditions to be prescribed in the Act, to be allowed to make any new line of railway or railway works, and to take the necessary lands for the purpose; the sanction of the Board of Trade to be signified by publication of their certificate in the Gazette; but such certificate not to be issued, if the work be objected to by any landowners having lands, or by any municipal authorities, or other persons having the control of any public works proposed to be interfered with, on the ground of such interference, or by any existing railway company, on the ground that the new line is a line competing with the line of such company, or will form part of a series of lines that will together form a new competing scheme.

The preliminary conditions would be very similar to the requirements of the Standing Orders in the case of a Railway Bill; viz.

Plans to be deposited, and notices given, and subscription contract entered into, and deposit of money made, or, as the case may be, a declaration of existing funds in lieu or in aid of a subscription contract, the times for these purposes being varied.

Power to Board of Trade to sanction alteration of line as originally proposed, so as to meet objections of landowners, &c., fresh notices, &c., being given of the deviated line.

Security to be taken for completion of the line as provided by the present Standing Orders.

Upon publication in the Gazette of a certificate by the Board of Trade that the preliminary conditions have been complied with to their satisfaction, and that no landowners or persons having control of public works have lodged any objection, and that no other company has claimed to be allowed to oppose the line as being a competing scheme, the com-

J. Booth, Esq.

8th July 1858.

pany to be deemed to be incorporated (if not already incorporated), and to be allowed to construct the line according to a scheme to be set forth in the certificate, subject to the provisions of the Companies Clauses, Lands Clauses, and Railway Clauses Acts, as amended for the purpose by the proposed Act.

The scheme would set out the line; the tolls to be taken, not exceeding those limited in the Act; the level crossings to be allowed, and departures from prescribed ascents of roads, height and width of bridges, &c.

Before issuing their certificate the Board of Trade to cause public notice to be given by the parties, in a manner to be approved of by the Board, in the local papers, fixing a day on or before which objections are to be made by landowners, &c., accompanied by a declaration that they intend to oppose the making of such line in Parliament; the Board having a discretion to enlarge the time for lodging objections if it see fit.

When any such objections lodged, the Board of Trade may issue a provisional certificate that the preliminaries have been complied with, and containing the scheme proposed to be submitted to Parliament; but the company to have no power to make the line unless either the objections be withdrawn or be not duly prosecuted by the presentation of such petition to the House of Commons as after mentioned (in which case a supplemental certificate may be issued), or unless an Act be passed sanctioning the scheme set forth in the certificate.

Petitions of opposing parties to be presented within 14 days from the meeting of Parliament, or the opposition to be deemed to be withdrawn.

After the expiration of the 14 days a Public Bill or Bills to be brought in to confirm the several schemes.

On second reading the Bill to be referred to a Select Committee, as Private Railway Bills are referred, and the Standing Orders to provide that those schemes which are opposed by landowners, &c., but not by competing companies, be referred to one Committee, and those opposed by competing companies to another.

When so before the Committee, each scheme to be dealt with as a distinct Private Bill, but to be exempt from the ordinary Standing Orders; the Committee being empowered to strike a scheme out of the schedule, or to modify it, in any case in which the opposing petitioners show sufficient cause for so doing. In the case of a scheme opposed by landowners, or persons having the control of works, the petitioners to be confined to showing that the special injury that would be sustained by them in consequence of the proposed interference with their lands or the public works under their charge would be such that it ought not to be sanctioned by Parliament.

The Committee to have power in any case to divide the Bill into two or more Bills.

The Committee to have power under the Act to order the costs of opposition to be paid by parties objecting on the ground of competition, where the objections should appear to have been illusory or vexatious.

II.—Working Arrangements.

Two or more railway companies to have power to make working arrangements, with the approval of the Board of Trade, for periods of not more than 10 years from time to time, in all cases except where, in the judgment of the Board, the proposed arrangements would form a new competing system with reference to some company not a party to the arrangement, or would break up an existing competing system.

The Act would contain provisions defining the purposes with respect to which the arrangements might be made, and ensuring the previous assent of given proportions of the shareholders in special meeting, and saving the interests of all who are not parties to the arrangement from being affected; and perhaps some other provisions which might be found to have been generally adopted in special Acts by which such arrangements have been hitherto authorised.

1152. What, in your opinion, has been the effect of the reports of the Board of Trade, which have been submitted to the Committees of Parliament with regard to Railway and Harbour Bills; do you think that they have had much effect or influence upon the proceedings?

I think that they have had a considerable effect in causing uniformity in the legislation relating to Railway Bills.

1153. Do you think that they have generally been attended to?

I know that to a very considerable extent they have been attended to; either that the Committee has required the parties to adopt suggestions which have been made, or that the parties have thought fit to adopt those suggestions in submitting the Bill, as proposed to be amended by them.

1154. Is it not the case that there have been reports prepared for Parliament by the Admiralty, as well as by the Board of Trade, in some cases upon the same scheme; do you think that it would be desirable to make any alteration in that course, and to have only one report, or still to have reports made by the two departments?

It

It would probably be convenient if the harbours were entirely under one department. I am not sure whether the Admiralty is quite so well qualified to deal with the general merits of these schemes as the Board of Trade; it is chiefly with reference to engineering matters, I think, that the reports of the Admiralty are made; the effect of the schemes upon the tidal waters and the like.

1155. Does anything else occur to you by which you think that any improvement might be introduced into our Parliamentary system with regard to private business?

I think it might be desirable that a Bill should be passed upon the scheme of the Railways Clauses Act of 1845, embodying the additional provisions which, by improvement in railway legislation down to the present time, are now generally inserted in Railway Bills.

1156. You think that there might be some amendments in the Consolidation Act?

I think so, in the way of addition. There has been no further Act of that nature since 1845, and of course the further legislative experience has suggested a number of matters which might as well be reduced into a general shape, and made applicable to all future schemes, instead of being required to be embodied in the Private Bill applicable to each company.

The Witness is directed to withdraw.

Ordered, That the Committee be adjourned till Monday next, Half-past Two o'clock.

INDEX

TO

REPORT

FROM THE

SELECT COMMITTEE OF THE HOUSE OF LORDS,

APPOINTED TO INQUIRE INTO

The present System of Proceedings in Parliament on Private Bills, and to consider whether any Improvement can be effected to regulate and facilitate such Legislation and diminish its Expense.

Ordered, by The House of Commons, *to be Printed,*
20 *July* 1858.

450—I.

ANALYSIS OF INDEX.

ALPHABETICAL and CLASSIFIED LIST of the PRINCIPAL HEADINGS in the following INDEX, with the Paging at which the same will be respectively found.

PAGE

Affidavits - - - - - - 3
Board of Trade - - - - - 5
Expense - - - - - - 8
Harbour Bills - - - - 9
Railway Legislation - - - 16
Witnesses - - - - - 22

COUNSEL:
1. *Practice as to the Number and Fees of Counsel; great Expense on this Score* - - 6
2. *Means for remedying the Expense and other Evils of the System* - - - - 7
Harrison, Mr. - - - - 9
Number of Committees - - - 14
Scale of Charges - - - - 17
Delay - - - - - - - - 7
Deposit of Bills - - - - 8
Joint Committee - - - - 10
Locus Standi - - - - - 11
Evidence upon Oath - - - - 8
Affidavits - - - - - 3
Expense - - - - - - - 8
Advertisements - - - - 3
Affidavits - - - - - 3
Costs - - - - - - 6
Counsel - - - - - - 6
House Fees - - - - - 9
Joint Committee - - - - 10
Locus Standi - - - - - 11
Money Clauses - - - - 13
Notices to Landowners - - - 13
Number of Committees - - - 14
Parliamentary Agents - - - 14
Printing Charges - - - - 15
Railway Legislation - - - 16
Road Bills - - - - - 17
Scale of Charges - - - - 17
Standing Orders, 3. 4. - - - 18
Taxation of Costs - - - - 20
Witnesses - - - - - - 22
House Fees - - - - - - 9
House of Lords - - - - - 9
Affidavits - - - - - 3
Appeal to House of Lords - - 4
Joint Committee - - - - 10
Locus Standi - - - - - 11
Standing Orders - - - - 18
Swearing of Witnesses - - - 19
Joint Committee - - - - - 10
Local Inquiries - - - - - 11
Board of Trade - - - - 5
Inclosure Commission - - - 9

PAGE

LOCUS STANDI:
1. *Evils of the present Practice in regard to Questions of Locus Standi* - - - 11
2. *Suggestions for the adoption of a different System* - - 11
Parliamentary Agents - - - - 14
Taxation of Costs - - - - 20
Permanent Judicial Tribunal - - - 15
Railway Legislation - - - - 16
Board of Trade - - - - - 5
Costs - - - - - - 6
Counsel - - - - - - 6
House Fees - - - - - 9
Joint Committee - - - - 10
Local Inquiries - - - - 11
Locus Standi - - - - - 11
Notices to Landowners - - - 13
Subscription Contracts and Declarations - - - - - - 19
Uniformity of Decision - - - 22

STANDING ORDERS:
1. *Beneficial Assimilation since 1847 of the Standing Orders of both Houses* - - - 18
2. *Former Systems of the House of Commons as to proof of Compliance with the Standing Orders* - - - - 18
3. *System and Practice under the Examiners; Benefits resulting* - - - - - 18
4. *Suggestions for an Amendment of the present System generally* - - - - - 18
Subscription Contracts and Declarations - - - - - 19
Subscription Contracts and Declarations - 19
Taxation of Costs - - - - - 20
Uniformity of Decision - - - - 22
Permanent Judicial Tribunals - - 15
Railway Legislation - - - 16
Unopposed Bills - - - - - 22
Affidavits - - - - - 3
Expense - - - - - - 8
Railway Legislation - - - 16
Witnesses - - - - - - - 22
Affidavits - - - - - 3
Board of Trade - - - - 5

I N D E X.

[*N. B.*—In this Index the Names of the Witnesses refer to the Questions in the Evidence, and the Numerals following *Rep. p.* to the Paging of the Report.]

A.

ADAM, BARTHOLOMEW SAMUEL ROWLEY. (Analysis of his Evidence.)—Is principal clerk in the House of Lords for Private Bills, 460——Reduced expense of private business before Parliament since the appointment of the Examiners of Standing Orders, 461——Improvement if the scale of charges prepared in 1849 with reference to solicitors and Parliamentary agents were extended compulsorily to counsel, witnesses, and engineers, 462-468. 473-478. 528-531——Fairness of the present scale of fees of Parliamentary agents, although higher than the fees in the courts of law, 469-472. 527.

Explanation as to the fees of counsel for attendance respectively on appeals at the Bar of the House of Lords and for practising before a Committee; higher charges in the latter case; propriety of some restriction hereon, 479-490. 502-513. 519-522——Similar amount of the fees given as refreshers to counsel of different standing for attendance before Committees on Private Bills, 490. 494-497——Advantage if not more than two counsel were entitled to fees in the case of a Private Bill before a Committee; how this restriction might be carried out, 491-493. 498-501.

Origin of the practice of increased fees to counsel before Committees, 502-508. 522——The fees allowed to counsel are the same in the Lords as in the Commons, 514——Exceedingly creditable way in which the Parliamentary agents conduct the business entrusted to them, 523——Advantage if private business before Parliament were restricted to Parliamentary agents as a distinct class, 524-526. 532, 533——Great improvement in the conduct of the private business if Bills were allowed to be brought in, in the first instance, in the House of Lords, 534, 535.

Average of about 230 *l.* as the charges of Parliamentary agents in the case of each unopposed Railway Bill, 536-539——Average of about 150 *l.* as the Parliamentary agent's charges for an Estate Bill; the costs on such Bills vary much, 540-547——The cost of an unopposed Turnpike Bill is from 250 *l.* to 300 *l.*, including everything, 549-551——The House fees vary much upon different unopposed Bills, 552, 553.

Advertisements. For works in the country London advertisements are useless, and should be dispensed with, *Coates* 840.

Affidavits. Suggestions with a view to certain matters being proved by affidavits, more especially in the House of Lords, *May* 139-141. 163——Advantage of a power in the Commons' Committees to take evidence on oath, *May* 165-169; *Patten* 283-285; *Thomas* 757-760; *Swift* 977——Advantage if in the case of both opposed and unopposed Bills affidavits could be received in evidence; it should not however be compulsory on either House to receive affidavits, *Patten* 282, 283——Saving of expense in the case of unopposed Bills, if, instead of witnesses being required in the Lords' Committees to prove matters of fact already proved in the Commons, affidavits were admitted in proof of such facts, *Pritt* 665-671.

Advantage if in certain cases certificates or affidavits of the evidence taken in the Commons' Committee were received in the Lords without the witnesses being recalled, *Thomas* 754-756——Advantage if, in the case of unopposed Bills, affidavits or certificates of the evidence taken in the Commons were receivable in the Lords, *Coates* 879, 880——Saving of expense if, in both opposed and unopposed cases, the re-examination of witnesses in the Lords were dispensed with, and if certain facts were proved by affidavits of the evidence taken in the Commons, *Swift* 892-898——Further statement in favour of the Lords receiving evidence taken in the Commons; it is essential that such evidence be taken on oath, *ib.* 965-977.

Objection to the evidence taken in the Commons being received in the Lords without a re-examination of witnesses, *Baxter* 1028-1031.

Report, 1857-8—*continued.*

Affidavits—continued.

Resolution that Committees of both Houses on Private Bills have the power to administer an oath to witnesses, in order that a certificate of the evidence taken before a Committee of one House on such Bills may be received by the other House as sufficient in such matters as may be found expedient, *Rep. p.* iv.

Appeal to House of Lords. Inexpediency of any interference whatever with the power of appeal to the Upper House, *Coates* 886.

B.

Baxter, Robert. (Analysis of his Evidence.)—Has been largely engaged as solicitor for conducting Private Bills before Parliament, 1017-1019——Suggested abolition of the sections required upon notices to landowners, 1020, 1021——Suggested amendment of the practice in serving the notices, 1021, 1022——Suggestions with a view to remedying the inconvenience and expense now arising in the event of any petition on Standing Orders being presented in the Lords; how questions as to the Wharncliffe and certain other Orders might be dealt with, 1022-1024.

The question whether compliance with the Standing Orders should be dispensed with may well be left to the Chairmen of Committees in both Houses, 1024, 1025——The practice of requiring witnesses to be sworn at the Bar of the House of Lords causes much inconvenience and annoyance; the Chairman of each Committee should be empowered to administer the oath, 1025-1027.

In order to save the expense and delay of proving each case twice over, witness advocates the appointment of a joint Committee of both Houses, 1027. 1033——Objections to the evidence taken in the Commons being received in the Lords without a re-examination of witnesses, 1028-1031——Suggested appointment in the Commons at the commencement of each Session of a panel of twenty-four Chairmen, each of whom should preside over a Committee, 1032, 1033.

Waste of time at the commencement of the Session, 1032——The Committees should begin to sit in the middle of February, and, if there were six Committees sitting daily, would thereby easily get through the work, 1033, 1034. 1076——Doubt whether a change in the number of the Committee would be an improvement; three would be better than four, 1035, 1036——As regards the question of *locus standi*, the best plan would be to give the Committee power of inflicting costs upon petitioners who opposed without proper reason, 1038-1045.

The only means of lessening the expenses of witnesses is by shortening their stay in London, 1046——Remarks relative to the fees to counsel; the consultation fee and other fees to the junior counsel might fairly be reduced, but the senior counsel are not paid unduly high, 1046-1056——Compulsory taxation would not make any appreciable difference in charges, most Bills being now submitted to private taxation; salutary effect of the knowledge that the Bills are to be taxed, 1057-1066.

Advantage if railways and other works in small districts could be carried out without the expense of coming to Parliament at all, 1066. 1072. 1077——Reference to a railway laid by witness without an Act of Parliament; authority for carrying out different parts of the undertaking, 1066-1073——Small expense at which some railways may be made, 1072-1075——Witness anticipates a great extension of the railway system throughout the country provided due facilities are given for their cheap construction, 1072. 1075. 1077, 1078——Necessity of grouping different Railway Bills before one Committee, 1076——Jealousy on the part of the larger companies in regard to the formation of small local lines, 1078.

The strict supervision in the House of Lords is a check upon the improper passing of any Bills against which an unreal opposition may be got up, 1079-1082. 1085——The Reports of the Board of Trade on any Bill are always attended to by the Committee, 1083——Adequacy of the supervision now exercised in Parliament for the prevention of the passing of any clauses or Bills injurious to the public, 1084, 1085——The chief thing required is an improvement in the system and method of the Parliamentary tribunal, 1085.

Belper, Right Hon. Lord. Memorandum submitted for the consideration of the Committee by Lord Belper, as one of its members, *Rep. p.* viii-x.

Blamire, William. (Analysis of his Evidence.)—Has been one of the Inclosure Commissioners since 1845; 368, 369——Successful operation of the Inclosure Act, 370——Right of appeal to Parliament from the decision of the Commissioners in carrying out any inclosure; there have been nearly 800 cases without any appeal, 371, 372——Opinion that a certain class of Private Bills, such as Gas Bills, Towns Improvement Bills, &c., might with advantage be included in one general Bill, and submitted in that shape to Parliament, 373-380.

Nature

Report, 1857-8—*continued.*

Blamire, William. (Analysis of his Evidence)—*continued.*

Nature of the local proceedings set on foot by the Inclosure Commissioners on receiving an application for any inclosure, 381. 384. 402-404——One-third of the parties interested may make the application, 382, 383——Two-thirds in value of the parties interested must approve the case before it can be reported to Parliament, 384. 395-400——The cases are reported to Parliament twice a year, there being two authorising Acts, 385, 386——Of about 800 inclosures the expense of each case, before its submission to Parliament, has averaged 16 *l.* 12 *s.* 6 *d.*, which is paid to the office by the parties themselves, 387-394. 401.

Board of Trade. Practice in regard to Reports by the Board of Trade and the Board of Admiralty respectively upon Railway Bills and upon Bills connected with piers and harbours; due consideration paid to such Reports by the Committees upon the Bills, *May* 71. 83. 84. 98-112——The Reports of the Board of Trade relative to any Bill do not always receive much consideration in the Committees, *Pritt* 675-677——Question as to the advantage of a Report in the case of all Private Bills, either by the Board of Trade or some other public department, *ib.* 676-679.

Uselessness of the Reports of the Board of Trade upon Railway Bills; the Committees never attend to them, *Swift* 984-992——Advantage anticipated from Reports by the Board of Trade upon matters of principle, that is provided some definite principle in regard to railway legislation be laid down by Parliament, and upon which such reports should be based, *ib.* 986. 990-997——The Reports of the Board of Trade on any Bill are always attended to by the Committee, *Baxter* 1083.

Witness has had a large share in the preparation of the Reports of the Board of Trade upon railway and other Bills, *Booth* 1110——In all cases of opposed as well as unopposed Railway Bills, the action of the Board of Trade should be substituted for that of the Standing Orders Committee, *ib.* 1112. 1124——Greater uniformity in railway legislation through the Reports of the Board of Trade relative to Bills before Committees, *ib.* 1152, 1153——The Reports have to a very considerable extent been attended to by the Committees, *ib.* 1153.

See also *Expense. Harbour Bills. Railway Legislation. Witnesses.*

Booth, James. (Analysis of his Evidence.)—Secretary to the Board of Trade; was formerly counsel to the Speaker, 1108, 1109——Has had a large share in the preparation of the Reports of the Board of Trade upon Railway and other Bills, 1110——Does not consider that any advantage would result from preliminary inquiries being undertaken, such as have hitherto been undertaken, 1111.

Proposition that an Act be passed empowering existing railway companies, or new companies, to make lines of railway or works upon compliance, to the satisfaction of the Board of Trade, with certain preliminary conditions to be prescribed in the Act, 1112 *et seq.*——Course proposed in the event of no opposition being made to any contemplated line; there should be no Bill in such cases, 1112-1114. 1138-1141——Course proposed in cases of opposition; all such schemes should be scheduled in a general Public Bill; how it should be decided what constitutes an opposed Bill, 1112. 1116 *et seq.*

Way in which there would be a considerable saving of expense under witness's scheme, 1125-1130. 1133, 1134. 1143-1148——Proposition under witness's scheme in regard to working arrangements, 1149-1151——Witness delivers in a paper, containing an outline of his proposed Bill, for giving facilities for making new lines of railway, and for sanctioning working arrangements, 1151.

Greater uniformity in railway legislation, through the Reports of the Board of Trade, relative to Bills before Committees, 1152, 1153——Probable advantage if the Reports relative to Harbour Bills were made by the Board of Trade, 1154——Suggested Act upon the scheme of the Railway Clauses Act of 1845, embodying the additional provisions and improvements in regard to railway legislation down to the present time, 1155, 1156.

C.

Carlisle, Langholm, and Hawick Railway Bill. Circumstance of the total worthlessness of the subscription contract, in the case of this Bill, having escaped the investigation of the Commons' Committee, *Patten* 353, 354.

Chairmen of Committees. Failure of the chairmen's panel for Railway Bills, &c. to produce that uniformity of decision so much required, *May* 85-87; *Patten* 315-318——In the appointment of the chairman from the panel of chairmen, the principle of rotation rather than of selection has of necessity been frequently followed, *Thomas* 823-825. 830——Suggested appointment in the Commons, at the commencement of each Session, of a panel of 24 chairmen, each of whom should preside over a Committee, *Baxter* 1032, 1033.

Resolution that the Committee of Selection appoint the chairmen of all Committees appointed by them, *Rep. p.* iv.

Report, 1857-8—*continued.*

Coates, Thomas. (Analysis of his Evidence.)—Has practised as a Parliamentary agent for about fifteen years, 837, 838——Advantage if the schedule to the landowners' notices were dispensed with, 840——Fictitious character of the subscription contracts in the case of existing companies, and, to a great extent, of new companies, 840——The subscription contract should be dispensed with, and a deposit or a withholding of dividend be substituted as security for the completion of the undertaking, 840. 843-851——For works in the country London advertisements are useless and should be dispensed with, 840.

As a rule there should be but one inquiry for both Houses by the Examiners of Standing Orders, but as regards the Wharncliffe Order and other exceptional matters there should be a further inquiry for the Lords, 840-842——Questions of *locus standi* should be referred to some fixed tribunal or Committee of Members, 852, 853——All oppositions by railway companies should be made directly, and not, as is often the case, through landowners subsidised for the purpose, 854, 855.

Suggestions with a view to limiting the number of counsel to be heard on any Bill, 856-860. 874-878——Hardship upon opposing landowners and other individual petitioners in its costing not less than 35*l.* for the first day's attendance of counsel, 861-864. 867, 868——Injury to the bar itself through the heavy and uniform charge for counsel, 863——Unreasonableness of the charge of five guineas as a fresh retainer for the House of Lords, 865, 866——Practice as regards entering the name of the counsel upon the appearance; power to employ other counsel whose names are not so entered, 868. 870-873.

Advantage if in the case of unopposed Bills, affidavits, or certificates of the evidence taken in the Commons were receivable in the Lords, 879, 880——Improvement if it could be arranged that some Bills might first be introduced in the Lords, 881-885——Inexpediency of any interference whatever with the power of appeal to the Upper House, 886——Objection to the opponents of a Bill being liable to costs; it would, however, prevent inconvenience and expense if the Committee had power to award costs for those parts of the petition which had not been pursued and which were frivolous, 887-889.

Compulsory Taxation. See *Taxation of Costs.*

Constitution of Committees. Way in which the Chairmen and Members of the Railway and other Committees are appointed, *Patten* 323-325——By narrowing the issues and rendering the work less laborious, Committees of a more permanent character, and comprising more qualified Members may be formed, *ib.* 341-345——The chief thing required is an improvement in the system and method of the Parliamentary tribunal, *Baxter* 1085——The Committees are very much better than they used to be, but they have not kept pace with the times, *ib.*

See also *Chairmen of Committees.* *Joint Committee.* *Number of Members.* *Permanent Committees.* *Permanent Judicial Tribunal.* *Roads Committee (House of Commons).* *Uniformity of Decision.*

Costs. Objection to the Committees of the House of Commons being empowered to impose costs on the ground of vexatious opposition to Private Bills, *Thomas* 766-768——Power of a Committee to interfere for the prevention of undue costs, *ib.* 814-816——Objection to the opponents of a Bill being liable to costs; it would, however, prevent inconvenience and expense if the Committee had power to award costs for those parts of the petition which had not been pursued and which were frivolous, *Coates* 887-889.

See also *Counsel.* *Expense.* *Scale of Charges.* *Taxation of Costs.*

COUNSEL:

1. *Practice as to the Number and Fees of Counsel; great Expense on this score.*
2. *Means for remedying the Expense and other Evils of the System.*

1. *Practice as to the Number and Fees of Counsel; great Expense on this score:*

Explanation of the practice in regard to the fees, &c. of counsel, and the number of counsel employed in each case; the expense is very considerable, *May* 119-129. 142-150——It constantly happens that the counsel receive fees though they have never attended during the case, *ib.* 143, 144——Practice of witness not to interfere in regard to the taxation of fees charged for counsel; exceptional instance of interference on this score, *Lefroy* 415-420——Reason for the higher fees paid to Parliamentary counsel than to counsel in the ordinary courts, *Lefroy* 452-455; *Pritt* 604, 605. 634-636; *Thomas* 798; *Swift* 937.

Explanation as to the fees of counsel for attendance respectively on appeals at the bar of the House of Lords and for practising before a committee; higher charges in the latter case; propriety of some restriction hereon, *Adam* 479-490. 502-513. 519-522.——Scale of the fees allowed upon appeals, *ib.* 482. 521——The brief fee does not cover the first day's attendance before a Lords' Committee; it should so cover it without a refresher being

Report, 1857-8—*continued.*

Counsel—continued.

1. *Practice as to the Number and Fees of Counsel; &c.*—continued.

being given, *Adam* 484. 489. 508——The daily attendance or refresher fee is 10 *l.* 10 *s.* for attending at the bar of the Lords or before a Committee, *ib.* 484. 509-513——Total of at least 35 *l.* 13 *s.* for one day's attendance with Counsel before a Committee of the Lords, *ib.* 484-486.——Similar amount of the fees given as refreshers to counsel of different standing for attendance before Committees on Private Bills, *ib.* 490. 494-497——Origin of the practice of increased fees to counsel before Committees, *ib.* 502-508. 522——The fees allowed to counsel are the same in the Lords as in the Commons, *ib.* 514.

Witness, as Parliamentary agent, has nothing to do with the payment or amount of counsel's fees, *Pritt* 580-586——Unless the advice of witness is sought by the solicitor he does not interfere as to the number or standing of the counsel employed, *ib.* 587. 589, 590——Selection generally of the most competent and suitable counsel without reference to local circumstances or individual influence, *ib.* 588, 589——Practice in regard to the amount of fees allowed to counsel; the brief fee, which does not cover the first day's attendance, is the only one that varies according to the standing of counsel, *ib.* 591-603——Practice when a counsel is retained upon several Committees on the same day to pay him the fee for each case though he may attend but one Committee, *ib.* 608——Many of the counsel at the Parliamentary bar practise in the other courts, *ib.* 616, 617——Advantage if the services of counsel could be procured by a petitioner against a Bill for a less sum than thirty guineas, which is now the least amount, *ib.* 630-633.

Witness's opinion is occasionally asked as to the proper counsel to be employed, and the brief fee to be given, *Thomas* 787, 788——Understanding among the Parliamentary Bar that unless certain fees are paid no counsel can take a brief, *ib.* 789——Remarks on the circumstance of the first day's attendance not being included in the fee upon the brief, *ib.* 790. 792-797——Grievance in the minimum fees amounting to thirty guineas for the services of counsel for one day, *ib.* 790, 791. 798.

Hardship upon opposing landowners and other individual petitioners, in its costing not less than 35 *l.* for the first day's attendance of counsel, *Coates* 861-864. 867, 868——Injury to the Bar itself through the heavy and uniform charge for counsel, *ib.* 863——Unreasonableness of the charge of five guineas as a fresh retainer for the House of Lords, *ib.* 865, 866——Practice as regards entering the name of the counsel upon the appearance; power to employ other counsel whose names are not so entered, *ib.* 868. 870-873——Witness has known cases where there have been five general retainers, *ib.* 878.

Items in which the fees have been increased, *Swift* 934-936——In some cases the fees are more than adequate, *ib.* 938. 955.

2. *Means for remedying the Expense and other Evils of the System:*

It is quite open to consideration whether the counsel's fees could not be regulated; there is, however, considerable difficulty on this score, and an improvement of the procedure is the best remedy, *May* 130, 131. 142-146——With a properly constituted tribunal, the number of counsel or their fees need not be interfered with, *Patten* 336-340——Advantage if not more than two counsel were entitled to fees in the case of a Private Bill before Committees; how this restriction might be carried out, *Adam* 491-493. 498-501.

Objections to a restriction upon the number of counsel employed, or upon the allowance of fees when they do not attend, *Pritt* 609-629——Advantage to the junior Bar if they were open to receive lower fees, *Thomas* 790. 795-797——Disadvantage in one respect and advantage in another if there were a limit upon the number of counsel in each case, *ib.* 799, 800——Suggestions with a view to limiting the number of counsel to be heard on any Bill, *Coates* 856-860. 874-878.

Difficulty of a restriction upon the fees of counsel, *Swift* 933. 938. 942. 948-950. 955——It would be to the interest of the Bar to take lower fees, *ib.* 938. 955——Difficulties in the way of a limit upon the number of counsel to be employed, or the fees to be paid in the event of the counsel not being heard, *ib.* 943-955——The consultation fee and other fees to the junior counsel might fairly be reduced, but the senior counsel are not paid unduly high, *Baxter* 1046-1056.

See also *Harrison, Mr.* *Members of Committees.* *Scale of Charges.*

D.

Declarations and Subscription Contracts. See *Subscription Contracts, &c.*

Delay. Needless protraction of investigations before Committees, *May* 133, 134——Opposition is encouraged rather than limited by the time which is allowed for it to be carried on, *Coates* 885——Undue and invariable delay before the appointment of Committees

Report, 1857-8—*continued.*

Delay—continued.

mittees and the commencement of business in the Commons; means of remedying the same considered, *Swift* 902–914——The delay is not owing to the time of the second reading, *ib.* 903. 908——Waste of time at the commencement of the Session, *Baxter* 1032——The Committees should begin to sit in the middle of February, and, if there were six Committees sitting daily, would thereby easily get through the work, *ib.* 1033, 1034. 1076.

See also *Deposit of Bills.* *Joint Committee.* *Locus Standi.*

Deposit of Bills. As regards the advantage of forwarding the work as much as possible, it would be an improvement if Bills were deposited and the examiners were to sit a week earlier, *Thomas* 775–779. 786.

Doubt as to there being any advantage in an earlier deposit of Bills, *Swift* 905–907.

E.

Engineers. See *Taxation of Costs.* *Witnesses.*

Estate Bills. Average of about 150 *l.* as the Parliamentary agent's charge for an Estate Bill; the costs on such Bills vary very much, *Adam* 540–547.

Evidence upon Oath. Importance of the House of Commons being empowered, through its Committees, to take evidence upon oath, *May* 165–169; *Patten* 283–285; *Thomas* 757–760; *Swift* 977——Witness does not attach any importance to a power to take evidence on oath, *Coates* 880.

Resolution that Committees of both Houses on Private Bills have the power to administer an oath to witnesses, in order that a certificate of the evidence taken before a Committee of one House on such Bills may be received by the other House as sufficient in such matters as may be found expedient, *Rep. p.* iv.

See also *Affidavits.*

Examiners of Standing Orders. See *Locus Standi*, 2. *Standing Orders.*

Expense. The Reports of the Admiralty and Board of Trade have no effect as regards the great expense of Private Bill legislation, *May* 84——Apprehension that a Parliamentary tribunal must always be a costly one, *ib.* 150——A simplification of the business is the best means of reducing the charges, *Lefroy* 425. 457.

Particulars as to the average cost, in agent's charges, house fees, &c., of seventeen unopposed Bills, passed by witness through Parliament in the years 1855–57; total average cost in each case of 474 *l.*, exclusive of fees to counsel, *Pritt* 563–577——Particulars as to the agents' charges, the house fees and the printers' charges in the case of forty unopposed Bills passed by witness's firm, *Thomas* 729–740——The entire charges averaged 362 *l.* 3 *s.* 7 *d.* in each case, *ib.* 729, 730——Similar particulars in the case of forty opposed Bills, *ib.* 741——The charges averaged 746 *l.* 18 *s.* 8 *d.* per opposed Bill, *ib.*

Since 1845 the expense of both opposed and unopposed Bills has been much reduced, *Thomas* 746, 747——The proceedings generally have been much improved of late years, *ib.* 747, 748——Fault of the parties rather than of the Parliamentary tribunal, that the expenses are so high, *ib.* 817–819.

Way in which there would be a considerable saving of expense under witness's scheme, *Booth* 1125–1130. 1133, 1134. 1143–1148.

See also *Advertisements.* *Affidavits.* *Costs.* *Counsel.* *House Fees.* *Joint Committee.* *Locus Standi.* *Money Clauses.* *Notices to Landowners.* *Number of Committees.* *Parliamentary Agents.* *Printing Charges.* *Railway Legislation.* *Road Bills.* *Scale of Charges.* *Standing Orders*, 3. 4. *Taxation of Costs.* *Witnesses.*

F.

Fees. See *Costs.* *Counsel.* *House Fees.*

G.

Gas Bills. see *General Act.* *House Fees.* *Local Inquiries.*

General Act. Opinion that a certain class of Private Bills, such as Gas Bills, Towns Improvement Bills, &c., might with advantage be included in one general Bill, and submitted in that shape to Parliament, *Blamire* 373–380.

See also *Inclosure Commission.* *Local Inquiries.* *Railway Legislation.*

H.

Harbour Bills. Probable advantage if the Reports relative to Harbour Bills were made by the Board of Trade, *Booth* 1154.

Harrison, Mr. The practice of increased fees to counsel before Parliamentary Committees, is considered to have been originated by Mr. Harrison, *Adam* 502-508. 522.

House Fees. The House fees vary much upon different unopposed Bills, *Adam* 552, 553 ——Nature of the House of Commons fees adverted to; improvement since the adoption of *ad valorem* fees, *Pritt*, 573-575. 577.

There have been only two important changes in the fees as sanctioned in the time of Mr. Courtenay, *Sir J. G. S. Lefevre* 1088——One change was the introduction of a fee of 5 *l.* for the certificate of compliance with the Standing Orders, *ib.*——A most important and beneficial change was that in the alteration of the fee as formerly charged upon the second reading; particulars hereon, *ib.* 1088, 1089——With certain exceptions every Bill is now charged with a fee of 81 *l.*, *ib.* 1088——Regulations as regards the fees on Gas and Water Bills, *ib.*

Sir Augustus Clifford is now the only officer remunerated by fees, with the exception of the taxing officer and his clerk, *Sir J. G. S. Lefevre* 1089——Variety of fees paid in respect of the proceedings in Committee; enumeration of some of these, *ib.*——Several miscellaneous fees also paid on every Private Bill, *ib.* 1089, 1090——It is extremely desirable to commute the fees upon proceedings in Committee and the miscellaneous fees, in the same way as the fees on the second reading have been commuted, and to make them payable upon the different stages of the Bill, *ib.* 1091. 1095-1097. 1105, 1106.

The present amount of fees does a kind of rough justice; they come to rather more than the private business costs the establishment, *Sir J. G. S. Lefevre* 1091-1094——A remodelling of the fees might be entrusted to the Parliament Office Committee, *ib.* 1096, 1097——When the capital in a Gas or Water Bill is very small, the fee should be reduced from 54 *l.* to 27 *l.*, *ib.* 1099, 1100——The fee for some Bills being based on the amount of capital, can hardly operate injuriously, *ib.* 1105.

House of Lords. Only a small proportion of the cases opposed in the Commons are opposed in the Lords, *May* 57. 180. 185——Respects in which the inquiry by the Lords, in addition to that by the Commons, is unnecessary and objectionable, *ib.* 172-188——Statement of the number of opposed Private Bills in the Commons and in the Lords, and of the number thrown out in the Lords in the years 1855-57, *ib.* 185——Respects in which advantage would arise in the conduct of business, if some Bills were in the first instance considered by Committees in the Lords, *Adam* 534, 535; *Thomas* 761-765. 769-774; *Coates* 881-885; *Swift* 901, 902.

Objections to an arrangement whereby Bills might, in the first instance, be considered in the Lords; the ultimate result would be a larger amount of contested business in the aggregate in the two Houses, *Pritt* 662-664.

The strict supervision in the House of Lords is a check upon the improper passing of any Bills against which an unreal opposition may be got up, *Baxter* 1079-1082. 1085.

See also *Affidavits.* *Appeal to House of Lords.* *Joint Committee.* *Locus Standi.* *Standing Orders.* *Swearing of Witnesses.*

I.

Inclosure Commission. Successful operation of the Inclosure Act, *Blamire* 370——Right of appeal to Parliament from the decision of the Commissioners in carrying out any inclosure; there have been nearly 800 cases without any appeal, *ib.* 371, 372——Nature of the local proceedings set on foot by the Inclosure Commissioners on receiving an application for any inclosure, *ib.* 381. 384. 402-404——One-third of the parties interested may make the application, *ib.* 382, 383.

Two-thirds in value of the parties interested must approve the case before it can be reported to Parliament, *Blamire* 384. 395-400——The cases are reported to Parliament twice a year, there being two authorising Acts, *ib.* 385, 386——Of about 800 inclosures, the expense of each case before submission to Parliament has averaged 16 *l.* 12 *s.* 6 *d.*, which is paid to the office by the parties themselves, *ib.* 387-394. 401.

Bills of the Inclosure Commission, as Public Bills, do not pay any fees, *Sir J. G. S. Lefevre* 1101-1104.

Report, 1857–8—*continued.*

J.

Joint Committee. Way in which a joint committee of both Houses for considering Private Bills might be constituted, so as to be satisfactory to both Houses, *May* 171. 177——Necessity of an appeal from the decisions of a joint committee, *ib.* 174, 175——Improvements anticipated from the operation of a joint committee, *ib.* 176–188——Way in which the tribunal or committee of appeal from the decisions of the joint committee should be constituted; difficulties hereon, *ib.* 189–202.

Belief that a joint committee of the two Houses would be an improvement upon the present double inquiry, but that the adoption of such scheme would not be assented to by the Lords, *Patten* 288–301. 310, 311——In order to save the expense and delay of proving each case twice over, witness advocates the appointment of a joint committee of both Houses, *Baxter* 1027. 1033.

Judicial Tribunal. See *Permanent Judicial Tribunal.*

L.

Lefevre, Sir John George Shaw, K. C. B. (Analysis of his Evidence.)—Has the management of the fees of the House, 1087——There have been only two important changes in the fees as sanctioned in the time of Mr. Courtenay, 1088——One change was the introduction of a fee of 5 *l.* for the certificate of compliance with Standing Orders, *ib.*——A most important and beneficial change was that in the alteration of the fee as formerly charged upon the second reading; particulars hereon, 1088. 1098——Sir Augustus Clifford is now the only officer remunerated by fees, with the exception of the taxing officer and his clerk, 1089.

Variety of fees paid in respect of the proceedings in Committee; enumeration of some of these, 1089—— Several miscellaneous fees also paid on every Private Bill, 1089. 1090——It is extremely desirable to commute the fees upon proceedings in Committee and the miscellaneous fees in the same way as the fees on the second reading have been commuted, and to make them payable upon the different stages of the Bill, 1091. 1095–1097. 1105, 1106.

The present amount of fees does a kind of rough justice; they come to rather more than the private business costs the establishment, 1091–1094——A remodelling of the fees might be entrusted to the Parliament Offices Committee, 1096, 1097——Where the capital in a Gas or Water Bill is very small, the fee should be reduced from 54 *l.* to 27 *l.*, 1099, 1100——Bills of the Inclosure Commission, as Public Bills, do not pay any fees, 1101–1104——The fee for some Bills being based on the amount of capital, can hardly operate injuriously, 1105.

Lefroy, Charles Edward. (Analysis of his Evidence.)—Taxing officer to the House of Commons since the beginning of the year 1856; 405–407——Preliminary proceedings in the event of parties wishing to have their Bills taxed, 408——Scale of charges sanctioned by the late Speaker by which witness is guided, 409. 414——Arrangement whereby the taxing officer of either House carries the taxation through of a Bill, 410——Large proportion of the Parliamentary costs not touched by taxation, 410–413. 415. 422.

Practice of witness not to interfere in regard to the fees charged for counsel; exceptional instance of interference on this score, 415–420——Application is sometimes made for taxation as a means of enabling the party to get payment of the Bill, 421——Reference to an application to witness's clerk to act as arbitrator on settling a bill of costs, 422——Practice of the parties frequently to have their bills taxed privately, instead of by witness, 422. 432–434.

Memorials prepared by witness, in the early part of this year, and submitted to the Speaker, with a view to a system of compulsory taxation of costs, 422–424——Grounds upon which witness has, since the preparation of these memorials, somewhat changed his opinions in regard to compulsory taxation, 424, 425. 428——The charges of the Parliament agents least require taxation, 425. 428–437. 457, 458——A simplification of the business is the best means of reducing the charges, 425. 457——Taxation to be efficient should refer to the charges for witnesses, and of engineers and counsel, 426, 427. 435. 458, 459.

Doubt as to any advantage in confining Parliamentary business to a special class of agents, 438, 439——Statement showing that for the years 1851–6 the bills submitted to taxation were reduced about one-tenth thereby, 440–444——Expense to the parties in resorting to taxation; in some cases the expense exceeds the relief, 445–449——Higher charges in the case of Parliamentary agents and counsel than of counsel in the ordinary courts; probable reason, 452–455——The charge for counsel, &c., is much the same in the Lords as in the Commons, 456.

Report, 1857-8—*continued.*

Local Inquiries. Consideration of a suggestion for an extension of the practice of the Inclosure Commissioners in regard to local inquiries and investigations in a certain class of Private Bills; obstacles to the satisfactory operation of this practice, which has already been tried under the Preliminary Inquiries Act, *May* 71–84. 88–91——Approval of the suggestion for conducting local inquiries upon the principle of the Inclosure Commission in the case of Gas Bills and Improvement Bills; Water Bills could hardly be dealt with in this way, *Patten* 286, 287.

Doubt as to any saving of expense by means of a preliminary inquiry by some tribunal out of the House before the introduction of Bills into Parliament, *Pritt* 673, 674——Decided objection to the examination of witnesses in the country with a view to save the expense of bringing them to London, *Swift* 981–983——Total failure of the Preliminary Inquiries Act, *ib.* 981, 982——Witness does not consider that any advantage would result from preliminary inquiries being undertaken, such as have hitherto been undertaken, *Booth* 1111.

See also *Board of Trade.* *Inclosure Commission.*

LOCUS STANDI:

1. *Evils of the present Practice in regard to Questions of Locus Standi.*
2. *Suggestions for the adoption of a different System.*

1. *Evils of the present Practice in regard to Questions of Locus Standi:*

Expediency in any case of a revision of the present rules of *locus standi*, as under the present system there has been great laxity of practice, and frequently great injustice, *May* 62–68——Very great inconvenience and expense consequent upon the present practice of deciding questions of *locus standi*, *Patten* 277, 278——Considerable expense unnecessarily incurred under the present system of considering questions of *locus standi*, *Pritt* 651. 660, 661——Uncertain and unjust operation of the present system, *ib.* 655–657——Impropriety of indirect opposition by railway companies through the medium of landowners, the former having no real *locus standi*, *Thomas* 721–727; *Coates* 854, 855.

2. *Suggestions for the adoption of a different System:*

Great improvements on the score of saving of expense and uniformity of decision, if questions of *locus standi* were referred to the Examiners of Standing Orders, *May* 46. 49. 69, 70——Necessity of well defined restrictions being laid down by Parliament for the regulation of the examiners in determining questions of *locus standi*, *ib.* 46——Practice suggested in the event of the decision of questions of *locus standi* being imposed upon the examiners, *ib.*——There should be an appeal to the Standing Orders Committee, *ib.* 47, 48——Questions of *locus standi* before the House of Lords, as well as before the House of Commons, might be deputed to the examiners, *ib.* 50–57——Time at the disposal of the examiners for hearing questions of *locus standi*, *ib.* 58——Partial consideration by Mr. Cardwell's Committee of the *locus standi* question, *ib.* 61.

Improvement if all questions of *locus standi* were referred to some one tribunal such as the Examiners of Standing Orders, or rather to a small Committee of the House appointed for the purpose, *Patten* 279–281. 312–314.

Suggested reference of all questions of *locus standi* to a Standing Committee of the House; advantage of the duty being entrusted at once to a tribunal of Members rather than to the Examiners of Standing Orders, *Pritt* 651–654——Procedure suggested in dealing with questions of *locus standi*; the inquiry should take place at an early period of the Session, *ib.* 658–660.

It would be very desirable to have a permanent tribunal in both Houses, before which the question of *locus standi* could be raised and decided; how such tribunals should be constituted, *Thomas* 707–711. 721–728——Suggestion that petitioners in the Lords who had not petitioned in the Commons should not be heard, unless with special leave from the tribunal to which it is proposed to refer questions of *locus standi*, *ib.* 711–714——Different capacities in which railway companies have generally appeared as petitioners before Committees; expediency of their right to appear being properly defined by a permanent tribunal, *ib.* 721–727.

Questions of *locus standi* should be referred to some fixed tribunal or Committee of Members, *Coates* 852, 853——All oppositions by railway companies should be made directly, and not, as is often the case, through landowners subsidised for the purpose, *ib.* 854, 855.

Approval of a reference of questions of *locus standi* to the examiners or to some permanent Committee, *Swift* 915, 916——Doubt as to the expediency of preventing indirect opposition by railway companies, as through landowners, &c., *ib.* 917–919.

As regards the question of *locus standi*, the best plan would be to give the Committee power of inflicting costs upon petitioners who opposed without proper reason, *Baxter* 1038–1045.

Resolution that questions of *locus standi* be referred to a Committee appointed for the consideration of such subjects, *Rep. p.* iii.

Report, 1857-8—*continued.*

M.

May, Thomas Erskine, and Colonel Wilson Patten, M. P. (Analysis of their Evidence.)—(*Mr. May.*) Has been Clerk Assistant of the House of Commons for three years, 1, 2 —— Was for ten years Examiner of the Standing Orders to the House of Commons, and for the two latter years of that period was Examiner for both Houses of Parliament under the new Standing Orders, 3——The system of Examiners of Standing Orders came into operation in 1847; 4——Originally the proof of compliance with the Standing Orders was taken before a Speaker's List Committee, consisting of about 120 Members, 5—— In 1838 a general Committee of forty-two Members was substituted for the Speaker's List Committee, *ib.*

The Examiners report upon each case to the House, and the House refer the reports to the Standing Orders Committee, 6, 7——It rests with the Standing Orders Committee to decide whether the Standing Orders shall be dispensed with or not, 6. 8.——The Standing Orders Committee comprises eleven Members, nominated at the commencement of the Session, 9–11.

Great saving of time and of expense, and great convenience to parties promoting Private Bills, since the operation of the Examiners in 1847; 12-14——Joint examiners for both Houses were recommended by the Committee on Private Business in 1847, but the recommendation was not adopted by the Lords till 1855; 16——Considerable improvements in the Standing Orders through the recommendations of the Committee of 1847; 16, 17——The Standing Orders of the House of Lords have since 1847 been assimilated in almost every respect to those of the House of Commons, with very great public advantage, 16–18.

Explanation that the Examiners do practically hear opposed cases in the Lords as well as in the Commons, 19, 20——Objection under the present system in opposed Bills, which have been passed successfully through the House of Commons, being subsequently occasionally lost through non-compliance with the Standing Orders of the House of Lords, 21–23——Great improvement if the Examiners were empowered to determine the question of compliance or non-compliance with the Standing Orders as regards opposed cases in the Lords, 24.

Recommendation that the Standing Orders Committee of the House of Lords should decide earlier in the Session whether the parties shall be allowed to proceed or not, 24, 25—When the Standing Orders are dispensed with in the Commons by means of petitions for additional provision, the Examiner should report officially to the Lords upon each of those petitions, 25——Witness does not apprehend any difference or jealousy between the two Houses in the event of the House of Lords pronouncing upon petitions for additional provisions while the Bill is still under the adjudication of the House of Commons, 26–31.

The Examiners act under the authority of, and their duties are defined by, the Standing Orders of both Houses, 32, 33. 35——Mode of appointment of the Examiners, 34—— Practice of the Examiners sometimes to report special circumstances which amount occasionally to an excuse for non-compliance with the standing orders; such circumstances are always laid in writing before the Standing Orders Committee by the parties themselves, 36. 41–44——Regulations as to the conduct of proceedings generally before the Examiners, 37——The oral evidence is all taken down and the documents are filed, 38–40 ——The proceedings take place in open court, 45.

Great improvement on the score of saving of expense and uniformity of decision if questions of *locus standi* were referred to the Examiners, 46. 49. 69, 70——Necessity of well defined restrictions being laid down by Parliament for the regulation of the Examiners in determining questions of *locus standi*, 46. 59, 60. 68——Way in which very onerous expense is now incurred upon questions of *locus standi*, 46.

Practice suggested in the event of the decision of questions of *locus standi* being imposed upon the Examiners, 46——There should be an appeal to the Standing Orders Committee, 47, 48——Questions of *locus standi* before the House of Lords, as well as before the House of Commons, might be deputed to the Examiners, 50–57——Only a small proportion of the cases opposed in the Commons are opposed in the Lords, 57. 180. 185——Time at the disposal of the Examiners for hearing questions of *locus standi*, 58——Partial consideration by Mr. Cardwell's Committee of the *locus standi* question, 61——Expediency in any case of a revision of the present rules of *locus standi*, 62-68.

Consideration of a suggestion for an extension of the practice of the Inclosure Commissioners in regard to local inquiries and investigations in a certain class of Private Bills; obstacles to the satisfactory operation of this practice, which has already been tried under the Preliminary Inquiries Act, 71-84. 88-91——Practice in regard to Reports by the Board of Trade and the Board of Admiralty respectively upon Railway Bills and upon Bills connected with piers and harbours; due consideration paid to such reports by the Committees upon the Bills, 71. 83, 84. 98–112——Failure of the Chairmen's panel for Railway Bills, &c. to produce that uniformity of decision so much required, 85–87.

Similar

Report, 1857-8—*continued.*

May, T. E., and Colonel W. Patten, M. P. (Analysis of their Evidence)—*continued.*

Similar practice of the House of Commons and of the Lords in regard to the taxation of the costs of Parliamentary agents and solicitors, 113——Reduced scale of charges of agents and solicitors through Acts passed in 1847 and 1848; 113-115——There is a well-understood scale of charges as regards witnesses, 116-118——Explanation of the practice in regard to the fees, &c. of counsel; great expense on this score; obstacles to a limit upon the amount of the fees, 119-131. 142-150.

Considerable expense, as regards counsel, &c. consequent upon the great number of Committees sitting at the same time, 131, 132——Needless protraction of investigations before Committees, 133, 134——Advantage if an abstract statement of the grounds of objection to any Bills were attached to the petitions and were answered in writing by the promoters of the Bills, 134-138——Objection to limiting the discretion of the parties in the production of witnesses, 139——Suggestions with a view to certain matters being proved by affidavits, more especially in the House of Lords, 139-141. 163.

Apprehension that a Parliamentary tribunal must always be a costly one, 150——Practice of the House of Commons of late years not to affirm any general principle in regard to Private Bill legislation, but to leave the proceedings almost entirely to its Committees, and to adopt their reports though enunciating opposite principles; instances of this, 150-157. 204——Difficulty in any measures for procuring uniformity of decision so long as there are so many Committees sitting, 158-162.

Advantage of dispensing with the double procedure in the case of unopposed Bills; suggestions hereon, 163-166. 170——Importance of the House of Commons being empowered, through its Committees, to take evidence upon oath, 165-169——Way in which a joint Committee of both Houses for considering Private Bills might be constituted so as to be satisfactory to each House, 171. 177——Respects in which the inquiry by the Lords in addition to that by the Commons is unnecessary and objectionable, 172-188——Necessity of an appeal from the decisions of a joint Committee, 174, 175——Improvements anticipated from the operation of a joint Committee, 176-188.

Statement of the number of opposed Private Bills in the Commons and in the Lords, and of the number thrown out in the Lords in the years 1855-57; 185——Way in which the tribunal or Committee of Appeal from the decisions of the joint Committee should be constituted; difficulties hereon, 189-202——The permanent Committees of the House of Commons have generally given considerable satisfaction, 192-195.

In lieu of the present Committees of the House witness suggests the appointment of an efficient and permanent Parliamentary tribunal, to be constituted by Parliament and to report to both Houses, 204 *et seq.*——The proposed court should comprise three commissioners or judges, who should be barristers of the highest standing, not Members of the House of Commons, and whose salaries should be such as to secure the eminent qualifications required, 204-208. 212. 225. 254-256——Suggestions as to the procedure and functions of the proposed court, 204. 210 *et seq.*

Consideration of the appeal to be allowed from the reports or decisions of the contemplated court, and of the control still to be exercised by the House of Commons before affirming such decisions, 210, 211. 219-224. 234. 242 *et seq.*——The principles by which the court should be guided should be very clearly defined by Parliament, 213-220. 240——Respects in which the operation of the court would be advantageous in the case of unopposed Bills, 226-234——Further reference to the circumstance of Parliament now practically deputing to its Committees the determination upon Private Bills, 234. 245-251——Provision should be made for exceptional cases, in which it might be desirable for the court to make special reports without distinctly determining upon the policy involved, 235-245.

If the proposed court be established the examiners might with advantage become part of the establishment, 246——The court should have the power of dispensing with the Standing Orders, but in important cases of non-compliance should report the fact to the House, 247——Witness does not anticipate any serious difficulty on the score of non-deference by Parliament to the judgment of the court, 251-253——Amendments upon the third reading of a Private Bill should not be precluded under the operation of the court, 265-269.

Money Clauses. Saving of expense if the House of Commons were to give up their privilege in regard to money questions upon Private Bills, *Thomas* 761.

N.

New Tribunal. See *Permanent Judicial Tribunal.*

Notices to Landowners. In preliminary matters it would be a considerable saving of expense, as regards landowners' notices, if the statement of the section were dispensed with, *Thomas* 832; *Baxter* 1020, 1021——Considerable saving of expense if the schedules to the notice to landowners were done away with, *Thomas* 832; *Coates* 840——Suggested amendment of the practice in serving the notices, *Baxter* 1021, 1022.

Report, 1857-8—*continued.*

Number of Committees. Considerable expense, as regards counsel, &c., consequent upon the great number of Committees sitting at the same time, *May* 131, 132.

Number of Members. Suggestion whether it may not be advantageous to reduce the number of Members on each Committee to four, and to give greater weight to the Chairman by considering his vote and that of one other Member as constituting a majority, *Thomas* 822-831.

Doubt whether a change in the number of the Committee would be an improvement; three would be better than four, *Baxter* 1035, 1036.

P.

Parliamentary Agents. The charges of the Parliamentary agents least require taxation, *Lefroy* 425. 428-437. 457, 458——Doubt as to any advantage of confining Parliamentary business to a special class of agents, *ib.* 438, 439.

Fairness of the present scale of fees of Parliamentary agents, although higher than the fees in the courts of law, *Adam* 469-472. 527——Exceedingly creditable way in which the Parliamentary agents conduct the business entrusted to them, *ib.* 523——Advantage if private business before Parliament were restricted to Parliamentary agents as a distinct class, *ib.* 524-526. 532, 533——Liability to increased expense in the attendance of witnesses where incompetent agents are employed, *ib.* 532, 533.

Approval of a provision that no person should be entitled to practise as a Parliamentary agent unless he were a solicitor or had been otherwise legally educated, *Pritt* 680-686. 692-695——The bulk of the business is done by the regular agents, *ib.* 682——Any person who has had a Bill before the House or who has appeared in support of a petition becomes a Parliamentary agent, *ib.* 687-691. 695.

See also *Taxation of Costs.*

Patten, Colonel John Wilson, M. P. (Analysis of his Evidence.)—Is Chairman of the Standing Orders Committee, and the Committee of Selection of the House of Commons, 270, 271——Considerable advantages resulting from the system of Examiners of Standing Orders, 272-274——Very great inconvenience and expense consequent upon the present practice of deciding questions of *locus standi*, 277, 278——Improvement if all questions of *locus standi* were referred to some one tribunal, such as the Examiners of Standing Orders, or rather to a small Committee of the House appointed for the purpose, 279-281. 312-314.

Advantage if in certain cases affidavits could be accepted as evidence, 282, 283——Advantage also if the House of Commons were empowered to take evidence on oath, 283-285——Approval of the suggestion for conducting local inquiries, upon the principle of the Inclosure Commission, in the case of Gas Bills and Improvement Bills; Water Bills could hardly be dealt with in this way, 286, 287——Belief that a Joint Committee of the two Houses would be an improvement upon the present double inquiry, but that the adoption of such scheme would not be assented to by the Lords, 288-301. 310, 311.

Radical defect of the Committees of the House of Commons in the judges being constantly changed, 296——Greater uniformity in the decisions of the Lords' Committees than of the Commons' Committees, 298, 299——Importance, as regards the Commons' Committees, of concentrating the subjects and narrowing the issues as much as possible; greater uniformity of practice and of decision thereby, 301. 303. 341——Very satisfactory constitution and operation of the present Roads Committee of the House of Commons, 301-306——The expense in the case of unopposed Bills is not now complained of, 307-309.

Failure, during the present Session, of the Panel of Chairmen of Railway Committees to produce uniformity of system and decision, 315-318——Difficulty in adopting any principle with a view to uniform decisions upon Railway Bills, 319-322——Way in which the Chairmen and Members of the Railway and other Committees are appointed, 323-325——Suggestion that certain facts be ascertained and reported by the Board of Trade, rather than by the unnecessary production of witnesses before the Committees, 326-335. 348-351.

With a properly-constituted tribunal, the number of counsel or their fees need not be directly interfered with, 336-340——By narrowing the issues, and rendering the work less laborious, Committees of a more permanent character, and comprising more qualified Members, may be formed, 341-345——Constant practice of Committees not duly to consider those parts of opposed Bills which are not contested before them; irregularity of decision thereby; means of remedying the practice, 346-367.

Permanent Committees. The permanent Committees of the House of Commons have generally given considerable satisfaction, *May* 192-195.

See also *Locus Standi*, 2. *Uniformity of Decision.*

Permanent

Report, 1857-8—*continued.*

Permanent Judicial Tribunal. In lieu of the present Committees of the House, witness suggests the appointment of an efficient and permanent Parliamentary tribunal, to be constituted by Parliament, and to report to both Houses, *May* 204 *et seq.*——The proposed court should comprise three Commissioners or Judges, who should be barristers of the highest standing, not Members of the House of Commons, and whose salaries should be such as to secure the eminent qualifications required, *ib.* 204-208. 212. 225. 254-256.

Suggestions as to the procedure and functions of the proposed court, *May* 204. 210 *et seq.*——Way in which the first appointments might be made, *ib.* 205——The judges should be put upon the same footing as the judges of any other superior court; they should be appointed for life, *ib.* 208, 209.

Consideration of the appeal to be allowed from the reports or decisions of the contemplated court, and of the control still to be exercised by the House of Commons before affirming such decisions, *May* 210, 211. 219-224. 234. 242 *et seq.*——The principles by which the court should be guided should be very clearly defined by Parliament, *ib.* 213-220. 240.

Respects in which the operation of the court would be advantageous in the case of unopposed Bills, *May* 226-234——Provision should be made for exceptional cases, in which it might be desirable for the court to make special reports without distinctly determining upon the policy involved, *ib.* 234-245——If the proposed court be established, the Examiners of Standing Orders might with advantage become part of the establishment, *ib.* 246.

The court should have the power of dispensing with the Standing Orders, but in important cases of non-compliance should report the fact to the House, *May* 247——Witness does not anticipate any serious difficulty on the score of non-deference by Parliament to the judgment of the court, *ib.* 251-253——Amendments upon the third reading of a Private Bill should not be precluded under the operation of the court, *ib.* 265-269.

The Committee do not deem it expedient to propose an entire alteration in the existing system, by the substitution of a new tribunal, or by a new course of procedure generally, *Rep. p.* iii.

Petitions. Advantage if an abstract statement of the grounds of objection to any Bills were attached to the petitions, and were answered in writing by the promoters of the Bills, *May* 134-138.——*See* also *Presentation of Petitions.*

Petitions for Additional Provisions. When the Standing Orders are dispensed with in the Commons by means of petitions for additional provision, the Examiner should report officially to the Lords upon each of those petitions, *May* 25——Witness does not apprehend any difference or jealousy between the two Houses in the event of the House of Lords pronouncing upon petitions for additional provisions, while the Bill is still under the adjudication of the House of Commons, *ib.* 26-31.

Preliminary Inquiries. See *Board of Trade. Local Inquiries.*

Presentation of Petitions. It might be an improvement if petitions were required to be presented at a fixed time after the Bills were deposited, rather than seven days after the second reading; but the change might at first cause some misapprehension, *Thomas* 779-786——Doubt as to the expediency of an earlier day for the presentation of petitions, *Swift* 904. 909-914.

Printing Charges. Considerable expense on the score of printing, on account of the number of copies required of each Bill, *Thomas* 743-745.

Pritt, George. (Analysis of his Evidence.)—Has practised as a Parliamentary agent since 1833; 554, 555——Considerable improvement effected in several respects through the appointment of the Examiners of the Standing Orders, 556——Further improvement if the examiners were judges of the fact in the Lords as well as in the Commons, provided the Standing Orders Committee of the Lords at once took cognizance of the finding of the examiners, 557-562.

Particulars as to the average cost in agent's charges, House fees, &c., of seventeen unopposed Bills, passed by witness through Parliament in the years 1855-57; total average cost in each case of 474 *l.*, exclusive of fees to counsel, 563-577——Nature of the House of Commons' fees adverted to; improvement since the adoption of *ad valorem* fees, 573-575. 577——In the case of seventy-two Railway Bills passed by witness since 1852, including fifteen unopposed Bills, the average cost in professional charges, printers' charges, and House fees, was 750 *l.* 16 *s.* 5 *d.*; division of the cost in the case respectively of the opposed and of the unopposed Bills, 578-582.

Witness has nothing to do with the payment or amount of the counsel's fees, 580-586——Unless the advice of witness is sought by the solicitor, he does not interfere as to the number or standing of the counsel employed, 587. 589, 590——Selection generally of the most competent and suitable counsel, without reference to local circumstances or individual

Report, 1857-8—*continued.*

Pritt, George. (Analysis of his Evidence)—*continued.*

individual influence, 588, 589——Practice in regard to the amount of fees allowed to counsel; the brief fee, which does not cover the first day's attendance, is the only one that varies according to the standing of the counsel, 591–603.

Reason for the higher fees paid to Parliamentary counsel than to counsel in the ordinary courts, 604, 605. 634-636——Practice, when a counsel is retained upon several Committees on the same day, to pay him the fee for each case, though he may attend but one Committee, 608——Objections to a restriction upon the number of counsel employed, or upon the allowance of fees where they do not attend, 609–629——Impracticability in important railway cases of a limit upon the counsel's fees, 610. 630——Many of the counsel at the Parliamentary Bar practise in the other courts, 616, 617——Advantage if the services of counsel could be procured by a petitioner against a Bill for a less sum than thirty guineas, which is now the least amount, 630–633.

Witness does not know anything about the charges of engineers and surveyors, but disapproves of a compulsory taxation of such charges, 639–642——Grounds for objecting to a system of compulsory taxation of the charges of any class connected with Private Bill legislation, 642–648——Estimate of about 180*l.* as the total average cost of an unopposed Turnpike Bill, 649, 650.

Considerable expense unnecessarily incurred under the present system of considering questions of *locus standi*, 651. 660, 661——Suggested reference of all questions of *locus standi* to a standing Committee of the House; advantage of the duty being entrusted at once to a tribunal of Members, rather than to the Examiners of Standing Orders, 651–654——Uncertain and unjust operation of the present system in regard to questions of *locus standi*, 655–657——Procedure suggested in dealing with questions of *locus standi*; the inquiry should take place at an early period of the Session, 658–660.

Objections to an arrangement whereby Bills might, in the first instance, be considered in the Lords; the ultimate result would be a larger amount of contested business in the aggregate in the two Houses, 662–664——Saving of expense in the case of unopposed Bills, if, instead of witnesses being required in the Lords' Committees to prove matters of fact already proved in the Commons, affidavits were admitted in proof of such facts, 665–671.

Doubt as to any saving of expense by means of a preliminary inquiry by some tribunal out of the House before the introduction of Bills into Parliament, 673, 674——The Reports of the Board of Trade relative to any Bill do not always receive much consideration in the Committees, 675–677——Question as to the advantage of a report in the case of all Private Bills, either by the Board of Trade or some other public department, 676–679.

Approval of a provision that no person should be entitled to practise as a Parliamentary agent unless he were a solicitor, or had been otherwise legally educated, 680–686. 692–695——Objection to any interference with the right of solicitors to practise in Parliament, 680. 683. 692——The bulk of the business is done by the regular agents, 682——Any person who has had a Bill before the House, or who has appeared in support of a petition, becomes a Parliamentary agent, 687–691. 695.

Procedure. See *Affidavits. Constitution of Committees. Expense. Joint Committee. Locus Standi. Permanent Judicial Tribunal. Standing Orders.*

Public, The. Adequacy of the supervision now exercised in Parliament for the prevention of the passing of any Private Bills, or of any clauses therein, injurious to the public, *Baxter* 1084, 1085.

R.

Railway Legislation. Failure of the panel of Chairmen of Railway Committees to produce uniformity of system and decision, *May* 85–87; *Patten* 315–318——Instance during the present Session of the House having affirmed, on the same day, two Reports, one sanctioning the principle of competition and one excluding the principle, *May* 150–153——Absence of any general principle in regard to the adoption of the broad or narrow gauge, *ib.* 153–157——Difficulty in adopting any principle with a view to uniform decisions upon Railway Bills, *Patten* 319–322.

Average of about 230*l.* as the charges of Parliamentary agents in the case of each unopposed Railway Bill, *Adam* 536–539——In the case of seventy-two Railway Bills passed by witness since 1852, including fifteen unopposed Bills, the average cost in professional charges, printers' charges, and House fees, was 750*l.* 16*s.* 5*d.*; division of the costs in the case respectively of the opposed and of the unopposed Bills, *Pritt* 578–582——Impracticability in important railway cases of a limit upon the counsel's fees, *ib.* 610. 630.

Uncertainty of the legislation of the House of Commons in regard to railways; ill effect thereof, *Swift* 928–931——An immense sum has been wasted in proceedings in Parliament, *ib.* 931——Strong feeling of railway proprietors in favour of some uniform principles

Report, 1857-8—*continued.*

Railway Legislation—continued.

principles of legislation relative to railways, *Swift* 998, 999——Less difficulty of a definition by Parliament than by the railway interest of that uniformity of principle and of action so much required, *ib.* 1000-1002——Difficulties in regard to the question of competition adverted to; advantage hereon of a territorial arrangement, confining particular companies to particular districts, *ib.* 1003-1015.

Advantage if railways and other works in small districts could be carried out without the expense of coming to Parliament at all, *Baxter* 1066. 1072. 1077——Reference to a railway laid down by witness without an Act of Parliament; authority for carrying out different parts of the undertaking, *ib.* 1066-1073——But for the difficulty about settled property, there would be no difficulty in making railways without coming to Parliament, *ib.* 1066——Small expense at which some railways may be made, *ib.* 1072-1075——Witness anticipates a great extension of the railway system throughout the country, provided due facilities are given for their cheap construction, *ib.* 1072. 1075. 1077, 1078——Necessity of grouping different railways before one Committee, *ib.* 1076——Jealousy on the part of the larger companies in regard to the formation of small local lines, *ib.* 1078.

Proposition that an Act be passed empowering existing railway companies, or new companies, to make lines of railway or works upon compliance, to the satisfaction of the Board of Trade, with certain preliminary conditions to be prescribed in the Act, *Booth* 1112 *et seq.*——Course proposed in the event of no opposition being made to any contemplated line; there should be no Bill in such cases, *ib.* 1112-1114. 1138-1141——Course proposed in cases of opposition; all such schemes should be scheduled in a general Public Bill; how it should be decided what constitutes an opposed Bill, *ib.* 1112. 1116 *et seq.*

Witness delivers in a paper containing an outline of the proposed Bill for giving facilities for making new lines of railway, and for sanctioning working arrangements, *Booth* 1151.

Suggested Act, upon the scheme of the Railway Clauses Act of 1845, embodying the additional provisions and improvements in regard to railway legislation down to the present time, *Booth* 1156, 1157.

See also *Board of Trade. Costs. Counsel. House Fees. Joint Committee. Local Inquiries. Locus Standi. Notices to Landowners. Subscription Contracts and Declarations. Uniformity of Decision.*

Road Bills. The cost of an unopposed Turnpike Bill is from 250*l* to 300*l.*, including everything, *Adam* 549-551——Estimate of about 180*l.* as the total average cost of an unopposed Turnpike Bill, *Pritt* 649, 650——Amount of the agents' charges and the printing charges in the case of Road Bills, the House fees on such Bills being paid by the Treasury, *Thomas* 741-743——Including the solicitor's bill, the expense of an unopposed Road Bill is about 300*l.*, *ib.* 749-752.——*See* also *Roads Committee.*

Roads Committee (*House of Commons*). Very satisfactory constitution and operation of the present Roads Committee of the House of Commons, *Pattern* 301. 306——Approval of the present investigation by the Roads Committee, *Thomas* 753.

S.

Scale of Charges. Reduced scale of charges of agents and solicitors through the Acts passed in 1847 and 1848, *May* 113-115——The charge for counsel, &c. is much the same in the Lords as in the Commons, *Lefroy* 456——Improvement if the scale of charges prepared in 1849 with reference to solicitors and Parliamentary agents were extended compulsorily to counsel, witnesses, and engineers, *Adam* 462-468. 473-478. 528-531——Witness does not disapprove of a scale by which the client may be protected from exorbitant charges, *Pritt* 643. 646——Approval of a fixed scale of charges for witnesses, &c., which it should be optional for the client to put in force or not, *Thomas* 803. 806.

See also *Taxation of Costs.*

Second Reading (*House of Lords*). Beneficial operation of the Sessional Order which limits the time for the second reading of Private Bills in the Lords, *Adam* 534; *Thomas* 775.

Solicitors. Objection to any interference with the right of solicitors to practise in Parliament, *Pritt* 680. 683. 692.

Report, 1857-8—*continued.*

STANDING ORDERS:

1. *Beneficial Assimilation since* 1847 *of the Standing Orders of both Houses.*
2. *Former System of the House of Commons as to proof of Compliance with the Standing Orders.*
3. *System and Practice under the Examiners; Benefits resulting.*
4. *Suggestions for an Amendment of the present System generally.*

1. *Beneficial Assimilation since* 1847 *of the Standing Orders of both Houses:*

The Standing Orders of the House of Lords have since 1847 been assimilated in almost every respect to those of the House of Commons, with very great public advantage, *May* 16-18

2. *Former System of the House of Commons as to proof of Compliance with the Standing Orders:*

Originally the proof of compliance with the Standing Orders was taken before a Speaker's List Committee, consisting of about 120 Members, *May* 5——In 1838 a general Committee of forty-two Members was substituted for the Speaker's List Committee, *ib.*

3. *System and Practice under the Examiners; Benefits resulting:*

Witness was for ten years Examiner of the Standing Orders to the House of Commons, and for the two latter years of that period was Examiner for both Houses of Parliament under the new Standing Orders, *May* 3——The system of Examiners of Standing Orders came into operation in 1847, *ib.*——The Examiners reported upon each case to the House, and the House referred the reports to the Standing Orders Committee, *ib.* 6, 7——It rested with the Standing Orders Committee to decide whether the Standing Orders should be dispensed with or not, *ib.* 6. 8.

The Standing Orders Committee of the House of Commons comprises eleven Members, nominated at the commencement of the Session, *May* 9-11——Great saving of time and of expense, and great convenience to parties promoting Private Bills, since the operation of the Examiners in 1847, *ib.* 12-14——Joint Examiners for both Houses were recommended by the Committee on Private Business in 1847, but the recommendation was not adopted by the Lords till 1855, *ib.* 16——Considerable improvements in the Standing Orders through the recommendations of the Committee of 1847, *ib.* 16, 17.

Explanation that the Examiners do practically hear opposed cases in the Lords as well as in the Commons, *May* 19, 20——Objection, under the present system, in opposed Bills, which have been passed successfully through the House of Commons, being subsequently occasionally lost through non-compliance with the Standing Orders of the House of Lords, *ib.* 21-23——The Examiners act under the authority of, and their duties are defined by, the Standing Orders of both Houses, *ib.* 32, 33. 35——Mode of appointment of the Examiners, *ib.* 34——Practice of the Examiners sometimes to report special circumstances which amount occasionally to an excuse for non-compliance with the Standing Orders; such circumstances are always laid in writing before the Standing Orders Committee by the parties themselves, *ib.* 36. 41-44.

Regulations as to the conduct of proceedings generally before the Examiners, *May* 37——Unopposed cases are disposed of by the Examiners early in the day, and without any delay, *ib.*——The oral evidence is all taken down and the documents are filed, *ib.* 38-40——The proceedings take place in open court, *ib.* 45.

Considerable improvement effected in several respects, through the appointment of the Examiners of the Standing Orders, *Patten* 272-274; *Pritt* 556——Reduced expense of private business before Parliament since the appointment of Examiners of Standing Orders, *Adam* 461——Reduction of expense and greater uniformity of decision since the proof of compliance with the Standing Orders has been submitted to the Examiners, *Thomas* 697, 698——Functions exercised by the Standing Orders Committee respectively of the Lords and Commons, *ib.* 701. 704-706.

4. *Suggestions for an Amendment of the present System generally:*

Great improvement if the Examiners were empowered to determine the question of compliance or non-compliance with the Standing Orders as regards opposed cases in the Lords, *May* 24——Recommendation that the Standing Orders Committee of the House of Lords should decide earlier in the Session whether the parties shall be allowed to proceed or not, *ib.* 24, 25.

Improvement if the Examiners were judges of the fact in the Lords as well as in the Commons, provided the Standing Orders Committee of the Lords at once took cognizance of the finding of the Examiners, *Pritt* 557. 562.

Respects in which it would be advantageous that in the case of the Lords as well as of the Commons the Examiners should investigate, and at once report the fact of compliance or non-compliance with the Standing Orders, *Thomas* 699-702. 715-720——Practice suggested

Report, 1857-8—*continued.*

STANDING ORDERS—continued.

4. *Suggestions for an Amendment of the present System generally*—continued.

gested in the event of the foregoing arrangement being carried out, *Thomas* 700–704. 715–720.

As a rule there should be but one inquiry for both Houses by the Examiners of Standing Orders, but as regards the Wharncliffe Order and other exceptional matters there should be a further inquiry for the Lords, *Coates* 840–842.

Advantage if all the proof on Standing Orders were given before the Examiner previously to the second reading of the Bill in the House of Commons, *Swift* 899, 900.

Suggestions with a view to remedying the inconvenience and expense now arising in the event of any petition on Standing Orders being presented in the Lords; how questions as to the Wharncliffe and certain other Orders might be dealt with, *Baxter* 1022–1024 ——The question whether compliance with the Standing Orders should be dispensed with may well be left to the Chairmen of Committees in both Houses, *ib.* 1024, 1025.

Resolution that all Standing Orders, except such Orders as apply especially to any Bill on coming up from the House of Commons, be proved before Examiners previous to introduction of Bills into Parliament, and that the decision of the Examiners upon compliance or non-compliance with Standing Orders be final, *Rep. p.* iii.

Resolution that in cases of non-compliance with Standing Orders, any memorial, praying that such Standing Orders may be dispensed with, shall be presented to the Examiners within one week after their decision; and that the Examiners shall forward the same with the certificate to the Clerk of the Parliaments, to be laid before the Standing Orders Committee, who shall consider such memorial, and determine the matter referred to them forthwith, *Rep. p.* iii.

See also *Subscription Contracts and Declarations.*

Subscription Contracts and Declarations. Considerable advantage if all questions of subscription contracts and declarations were decided by one and the same Committee, *Thomas* 702–704. 720——Consideration of the way in which the functions of the Examiners of Standing Orders should be exercised in the case of declarations and subscription contracts, *ib.* 715–720——Anomaly of the present requirement as regards the subscription contract in the case of existing railway companies; amendment suggested, *ib.* 832–836.

Fictitious character of the subscription contracts in the case of existing companies, and, to a great extent, of new companies, *Coates* 840——The subscription contracts should be dispensed with, and a deposit or a withholding of dividend be substituted as security for the completion of the undertaking, *ib.* 840. 843–851——Illusory character of the present system as regards the subscription contract; advantage of requiring instead a larger deposit, *Swift* 920–927.

Resolution that subscription contracts and declarations shall be discontinued, but deposits shall be made in all cases where such subscription contracts and declarations are now required, *Rep. p.* iv.

Surveyors. See *Taxation of Costs.* *Witnesses.*

Swearing of Witnesses (*House of Lords*). The practice of requiring witnesses to be sworn at the Bar of the House of Lords causes much inconvenience and annoyance; the Chairman of each Committee should be empowered to administer the oath, *Baxter* 2025–2027.

Swift, John. (Analysis of his Evidence.)—Has been largely engaged in conducting Railway Bills, 890, 891——Saving of expense if, in both opposed and unopposed cases, the re-examination of witnesses in the Lords were dispensed with, and if certain facts were proved by affidavits of the evidence taken in the Commons, 892–898——Advantage if all the proofs on Standing Orders were given before the Examiner previously to the second reading of the Bill in the House of Commons, 899, 900——Convenience if some of the private business might be commenced in the Lords, 901, 902.

Undue and invariable delay before the appointment of Committees and the commencement of business in the Commons; means of remedying the same considered, 902–914 ——Approval of a reference of questions of *locus standi* to the Examiners or to some permanent Committee, 915, 916——Doubt as to the expediency of preventing indirect opposition by railway companies, as through landowners, &c., 917–919——Illusory character of the present system as regards the subscription contract; advantage of requiring instead a larger deposit, 920–927.

Uncertainty of the legislation of the House of Commons in regard to railways; ill effect thereof, 928–931——Difficulty of a restriction upon the fees to counsel, 933. 938. 942. 948–950. 955——Items in which the fees have been increased, 934–936——Reason for higher fees to Parliamentary counsel than to counsel in the ordinary courts, 937——

Report, 1857-8—*continued.*

Swift, John. (Analysis of his Evidence)—*continued.*

In some cases the fees are more than adequate 938. 955——It would be to the interest of the bar to take lower fees, 938. 955——Difficulties in the way of a limit upon the number of counsel to be employed, or the fees to be paid in the event of the counsel not being heard, 943-955.

Reference to the charges of engineers, as witnesses, as not unreasonable, 956——Difficulty of restricting the fees to surveyors, &c. as witnesses, 957-960——Witness does not see how the expenses of witnesses any more than those of counsel can well be limited, 957-963——A system of compulsory taxation is not expedient; nor would it be practicable, 961-964——Further statement in favour of the Lords receiving evidence taken in the Commons; it is essential that such evidence be taken on oath, 965-977.

Decided objection to the examination of witnesses in the country with a view to save the expense of bringing them to London, 981-983——Total failure of the Preliminary Inquiries Act, 981, 982——Uselessness of the reports of the Board of Trade upon Railway Bills; the Committees never attend to them, 984-992——Advantage anticipated from reports by the Board of Trade upon matters of principle, that is, provided some definite principles in regard to railway legislation be laid down by Parliament and upon which such reports should be based, 986. 990-997.

Strong feeeling of railway proprietors in favour of some uniform priciples of legislation relative to railways, 998. 999——Less difficulty of a definition by Parliament than by the railway interest of that uniformity of principle and of action so much required, 1000-1002 —— Difficulties in regard to the question of competition adverted to; advantage hereon of a territorial arrangement, confining particular companies to particular districts, 1003-1015.

T.

Taxation of Costs. Similar practice of the House of Commons and of the Lords in regard to the taxation of the costs of Parliamentary agents and solicitors, *May* 113.

Witness has been taxing officer to the House of Commons since the beginning of the year 1856, *Lefroy* 405-407——Preliminary proceedings in the event of parties wishing to have their bills taxed, *ib.* 408——Scale of charges sanctioned by the late Speaker, by which witness is guided, *ib.* 409. 414——Arrangement whereby the taxing officer of either House carries the taxation through of a bill, *ib.* 410.

Large proportion of the Parliamentary costs not touched by the taxation, *Lefroy* 410-413. 415. 422——Application is sometimes made for taxation, as a means of enabling the party to get payment of the bill, *ib.* 421——Reference to an application to witness's clerk to act as arbitrator in settling a bill of costs, *ib.* 422——Practice of the parties frequently to have their bills taxed privately instead of by witness, *ib.* 422. 432-434.

Memorials prepared by witness in the early part of this year, and submitted to the Speaker, with a view to a system of compulsory taxation of costs, *Lefroy* 422-424——Ground upon which witness has since the preparation of those memorials somewhat changed his opinions in regard to compulsory taxation, *ib.* 424, 425. 428——Taxation, to be efficient, should refer to the charges for witnesses, and of engineers and counsel, *ib.* 426, 427. 435. 458, 459.

Statement showing that for the years 1851-6, the bills submitted to taxation were reduced about one-tenth thereby, *Lefroy* 440-444——Expense to the parties in resorting to taxation; in some cases the expense exceeds the relief, *ib.* 445-449.

Witness does not know anything about the charges of engineers and surveyors, but he disapproves of a compulsory taxation of such charges, *Pritt* 639-642——Grounds for objecting to a system of compulsory taxation of the charges of any class connected with Private Bill legislation, *ib.* 642-648.

Evidence opposed to a system of compulsory taxation of Parliamentary charges, to be applied in each case, even though the employers of the professional men making such charge may not wish for any taxation, *Thomas* 803 *et seq.*——Compulsory taxation would not prevent undue or disreputable charges, *ib.* 812, 813. 821.

A system of compulsory taxation is not expedient; nor would it be practicable, *Swift* 961-964.

Compulsory taxation would not make any appreciable difference in charges, most bills being now submitted to private taxation; salutary effect of the knowledge that the bills are to be taxed, *Baxter* 1057-1066.

Thomas, Charles Evan. (Analysis of his Evidence.)—Has practised as a Parliamentary agent since 1845; 696, 696*——Reduction of expense and greater uniformity of decison since the proof of compliance with the Standing Orders has been submitted to the Examiners, 697, 698——Respects in which it would be advantageous that in the case of the

Report, 1857-8—*continued.*

Thomas, Charles Evan. (Analysis of his Evidence)—*continued.*

the Lords, as of the Commons, the Examiners should investigate, and at once report the fact of compliance or non-compliance with the Standing Orders, 699-702. 715-720——Practice suggested in the event of the foregoing arrangement being carried out, 700-704. 715-720.

Functions exercised by the Standing Orders Committee respectively of the Lords and Commons, 701. 704-706——Considerable advantage if all questions of subscription contracts and declarations were decided by one and the same Committee, 702-704. 720——It would be very desirable to have a permanent tribunal in both Houses before which the question of *locus standi* could be raised and decided; how such tribunals should be constituted, 707-711. 721-728——Suggestion that petitioners in the Lords who had not petitioned in the Commons should not be heard, unless with special leave from the tribunal to which it is proposed to refer questions of *locus standi*, 711-714.

Consideration of the way in which the Examiner's functions should be exercised in the case of declarations and subscription contracts, 715-720——Different capacities in which railway companies have generally appeared as petitioners before Committees; expediency of their right to appear being properly defined by a permanent tribunal, 721-727——General feeling of Parliamentary practitioners as to the importance of making identical the Standing Orders and the general course of proceeding with regard to Private Bills, 728.

Particulars as to the agents' charges, the House fees, and the printing charges, in the case of forty unopposed Bills passed by witness's firm, 729-740——Similar particulars in the case of forty opposed Bills, 741——Amount of the agents' charges and the printing charges in the case of Road Bills, the House fees on such Bills being paid by the Treasury, 741-743——Considerable expense on the score of printing on account of the number of copies required, 743-745.

Since 1845 the expense of both opposed and unopposed Bills has been much reduced, 746, 747——The proceedings generally have been much improved of late years, 747, 748——Including the solicitor's bill, the expense of an unopposed Road Bill is about 300 *l.*; 749-752——Approval of the present investigation by the Roads Committee in the Commons, 753——Advantage if in certain cases certificates or affidavits of the evidence taken in the Commons' Committee were received in the Lords without the witnesses being recalled, 754-756——Importance of a power in the Commons' Committees to take evidence on oath, 757-760.

Saving of expense if the House of Commons were to give up their privilege in regard to money questions upon Private Bills, 761——Respects in which advantage would arise in the conduct of business if some Bills were in the first instance considered by Committes in the Lords, 761-765. 769-774——Objection to the Committees of the House of Commons being empowered to impose costs on the ground of vexatious opposition to Private Bills, 766-768.

As regards the advantage of forwarding the work as much as possible, it would be an improvement if Bills were deposited and the Examiners were to sit a week earlier, 775-779. 786——It might be an improvement if petitions were required to be presented at a fixed time after the Bills were deposited, rather than seven days after the second reading, but the change might at first cause some misapprehension, 779-786.

Witness's opinion is occasionally asked as to the proper counsel to be employed, and the brief fee to be given, 787, 788——Understanding among the Parliamentary bar that unless certain fees are paid no counsel can take a brief, 789——Remarks on the circumstance of the first day's attendance not being included in the fee upon the brief, 790. 792-797——Grievance in the minimum fees amounting to thirty guineas for the service of counsel for one day, 790, 791. 798——Advantage to the junior bar if they were open to receive lower fees, 790. 795-797——Reason for somewhat higher fees to counsel at the Parliamentary bar, 798——Disadvantage in one respect, and advantage in another, if there were a limit upon the number of counsel in each case, 799, 800.

Approval of a fixed scale of charges for witnesses, &c., which it should be optional in the client to put in force or not, 803. 806——Evidence opposed to a system of compulsory taxation of Parliamentary charges to be applied in each case, even though the employers of the professional men making such charge may not wish for any taxation, 803 *et seq.*——Compulsory taxation would not prevent undue or disreputable charges, 812, 813. 821——Power of a Committee to interfere for the prevention of undue costs, 814-816——Fault of the parties, rather than of the Parliamentary tribunal, that the expenses are so high, 817-819.

Suggestion whether it may not be advantageous to reduce the number of Members on each Committee to three, or rather to four, and to give greater weight to the Chairman, by considering his vote and that of one other Member as constituting a majority, 822-831——In the appointment of the Chairman from the panel of Chairmen, the principle of rotation,

Report, 1857-8—*continued.*

Thomas, Charles Evan. (Analysis of his Evidence)—*continued.*

rotation, rather than of selection, has of necessity been frequently followed, 823-825. 830.

In preliminary matters it would be a saving of expense, as regards landowners' notices, if the statement of the section were dispensed with, 832——Considerable saving of expense if the schedule to the notice to landowners were done away with, *ib.*—— Anomaly of the present requirement as regards the subscription contract in the case of existing railway companies; amendment suggested, 832-836.

Towns' Improvement Bills. See *General Act. Local Inquiries.*

Turnpike Road Bills. See *Road Bills.*

U.

Uniformity of Decision. Practice of the House of Commons of late years not to affirm any general principle in regard to Private Bill legislation, but to leave the proceedings almost entirely to the Committees, and to adopt their reports, though enunciating opposite principles; instances of this, *May* 150-157. 204——Difficulty in any measures for procuring uniformity of decision, so long as there are so many Committees sitting, *ib.* 158-162—— Further reference to the circumstance of Parliament now practically deputing to its Committees the determination upon Private Bills, *ib.* 234. 245-251.

Greater uniformity of decision since the appointment of the Examiners of Standing Orders, *Patten* 273, 274; *Pritt* 556.

Radical defects of the Committees of the House of Commons in the judges being constantly changed, *Patten* 296——Greater uniformity in the decisions of the Lords' Committees than of the Commons' Committees, *ib.* 298, 299——Importance as regards the Commons' Committees, of concentrating the subjects, and narrowing the issues as much as possible; greater uniformity of practice, and of decision thereby, *ib.* 301. 303. 341.

General feeling of the Parliamentary practitioners as to the importance of making identical the Standing Orders and the general course of proceeding with regard to Private Bills, *Thomas* 728.

See also *Permanent Judicial Tribunal. Railway Legislation.*

Unopposed Bills. Advantage of dispensing with the double procedure in the case of unopposed Bills; suggestions hereon, *May* 163-166. 170——The expense in the case of unopposed Bills is not now complained of, *Patten* 307-309——Constant practice of Committees not duly to consider those parts of unopposed Bills which are not contested before them; irregularity of decision thereby; means of remedying this practice, *ib.* 346-367——In order to escape the investigation of Lord Redesdale and Mr. FitzRoy, unopposed Bills are often brought forward as opposed Bills, *ib.* 346. 355-357.

Resolution, that in all cases of opposed Private Bills, in which no parties shall have appeared on the petitions against such Bills, or having appeared shall have withdrawn their opposition, before the evidence of the promoters shall have been commenced, the Committees on such Bills shall forthwith refer them back, with a statement of the facts, to the Chairman of Committees, to be dealt with by him as if originally unopposed, *Rep. p.* iii.

See also *Affidavits. Expense. Railway Legislation.*

V.

Varying Decisions of Committees. See *Railway Legislation. Uniformity of Decision.*

W.

Water Bills. See *General Act. House Fees. Local Inquiries.*

Wharncliffe Order. Large proportion of the Bills thrown out in the Lords which are rejected on the Wharncliffe Order, *Thomas* 701.

Witnesses. There is a well-understood scale of charges as regards witnesses, *May* 116-118——Objection to the limiting the discretion of the parties in the production of witnesses, *ib.* 139—— Suggestion that certain facts be ascertained and reported by the Board

Report, 1857-8—*continued.*

Witnesses—continued.

Board of Trade, rather than by the unnecessary production of witnesses before the Committee, *Patten* 326-335. 348-351——Reference to the charges of engineers, as witnesses, as not unreasonable, *Swift* 956——Difficulty of restricting the fees to surveyors, &c., as witnesses, *ib.* 957-960——Witness does not see how the expenses of witnesses any more than those of counsel can well be limited, *ib.* 957-963——The only means of lessening the expenses of witnesses is by shortening their stay in London, *Baxter* 1046.

See also *Affidavits.* *Board of Trade.*

Working Arrangements (*Railways*). Proposition under witness's scheme in regard to working arrangements, *Booth* 1149-1151.

INDEX

TO

REPORT

FROM THE

SELECT COMMITTEE OF THE HOUSE OF LORDS

ON

PROCEEDINGS IN PARLIAMENT ON PRIVATE BILLS.

Ordered, by The House of Commons, *to be Printed,*
20 *July* 1858.

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Under 4 *oz.*

FIRST REPORT

FROM THE

GENERAL COMMITTEE ON RAILWAY AND CANAL BILLS.

The General Committee on Railway and Canal Bills have formed the following Bills into Groups, and have agreed to Report the same to the House:

Group 1.

Read 2°.

Mar. 15. Andover Canal and Railway.
Feb. 10. Exeter and Exmouth Railway.
„ 15. London and South Western Railway.
„ 15. Stokes Bay Railway and Pier.
„ 15. Staines, Wokingham and Woking Railway.
„ 15. Brentford and Richmond Railway.

Group 2.

Mar. 1. Bognor Railway.
Feb. 22. London, Brighton and South Coast Railway (Shoreham to Henfield).
„ 10. Shoreham, Horsham and Dorking Railway.
„ 10. Portsmouth Railway.
Wimbledon and Dorking and Epsom and Leatherhead Railway Companies.

Group 3.

Feb. 26. Eastern Counties Railway.
Mar. 12. East Suffolk, Yarmouth and Haddiscoe, and Lowestoft and Beccles Railway Companies Amalgamation.
Feb. 22. East Suffolk Railway.
„ 10. Waveney Valley Railway.

Group 4.

Feb. 16. Metropolitan Railway (Abandonment of Undertaking, &c.)
Mar. 15. Ware, Hadham and Buntingford Railway.
Feb. 15. Luton, Dunstable and Welwyn Junction and Hertford and Welwyn Junction Railway Companies Amalgamation.
„ 26. Cornwall Railway.
„ 15. Plymouth Great Western Docks.

Group 5.

Read 2°.

Mar. 12. Darenth Valley Railway.
Feb. 10. East Kent Railway (Dover Extension).
„ 10. East Kent Railway (Western Extension).
„ 15. Mid Kent Railway (Bromley to St. Mary Cray).
Mar. 12. Mid Kent Railway (Croydon Extension).
South Eastern Railway and Mid Kent Railway (Bromley to St. Mary Cray) Companies.
Feb. 10. South Eastern (Dartford and New Cross Junction).

Group 6.

Feb. 10. Victoria Station and Pimlico Railway.
West Metropolitan Railway.
„ 22. West End of London and Clapham and Norwood Junction Railway (Abandonment).
„ 26. West End of London and Crystal Palace Railway.
„ 22. Ulverstone and Lancaster Railway.
„ 10. Whitehaven Junction Railway.
„ 15. Lancaster and Carlisle Railway.

Group 7.

Feb. 26. Corris, Machynleth and River Dovey Railway.
„ 10. Llanelly Harbour.
„ 15. Newport, Abergavenny and Hereford Railway.
„ 16. South Wales Railway (New Railways, &c.)
„ 16. South Wales Railway (Further Powers, &c.)

Group 8.

Feb. 10. Manchester, Sheffield and Lincolnshire and Great Northern Railway Companies.
„ 10. Manchester, Sheffield and Lincolnshire Railway (Station at Manchester).
„ 10. Warrington and Stockport Railway.
„ 17. Warrington and Stockport Railway (Capital).
„ 10. Manchester, Sheffield and Lincolnshire Railway (Newton to Compstall).
„ 26. Manchester, South Junction and Altrincham Railway (No. 1).
Manchester, South Junction and Altrincham Railway (No. 2).
„ 10. Manchester, Sheffield and Lincolnshire Railway (Garston to Liverpool).
„ 10. St. Helen's Canal and Railway.

Group 9.

Feb. 17. Blackburn Railway.
„ 10. Lancashire and Yorkshire and East Lancashire Railway Companies.
Mar. 12. Chester and Holyhead Railway.
Feb. 15. London and North Western Railway (Extension from Longsight).
„ 22. London and North Western Railway (Additional Works, No. 1).
„ 10. London and North Western Railway (Additional Works, No. 2).
„ 10. Birmingham Canal Navigations.
„ 22. Stockport, Disley and Whaley Bridge Railway.

Group 10.

Read 2°.

Feb. 15. Cromford and High Peak Railway.
„ 15. Oxford, Worcester and Wolverhampton Railway.
„ 26. Redditch Railway.
Severn Valley Railway (Extension of Time).
„ 10. Shrewsbury and Welchpool Railway.

Group 11.

Feb. 22. Durham and Cleveland Union Railway.
„ 26. Stockton and Darlington Railway (North Riding Lines).
„ 10. Stockton and Darlington Railway (Durham Lines).
„ 17. Stockton and Darlington, Wear Valley, &c. Railway Companies Amalgamation.

Group 12.

Feb. 15. Aberdeen, Peterhead and Fraserburgh Railway.
„ 10. Formartine and Buchan Railway.
„ 10. Fife and Kinross and Kinross-shire Railways.
„ 15. Edinburgh and Glasgow and Stirling and Dunfermline Railways.
„ 26. Devon Valley Railway.

Group 13.

Feb. 15. Ayr and Dalmellington Railway.
„ 15. Caledonian Railway (Branch to Port Carlisle Railway).
„ 10. Carlisle, Langholm and Hawick Railway.
„ 18. Border Counties Railway.
„ 22. North British Railway (Hawick and Carlisle Junction Railway).
„ 15. North British Railway (Consolidation, &c.)

Group 14.

Feb. 15. Ballymena, Ballymoney, Coleraine and Portrush Junction Railway.
„ 10. Banbridge, Lisburn and Belfast Junction Railway.
„ 15. Belfast and County Down Railway.
Londonderry and Coleraine Railway.

Group 15.

Feb. 15. Athenry and Tuam Railway.
„ 18. Dublin and Meath Railway.
„ 10. Great Northern and Western (of Ireland) Railway.
„ 22. Limerick and Castle Connell Railway.
Waterford and Kilkenny Railway (Power to Purchase, &c.)

FIRST REPORT

FROM THE

GENERAL COMMITTEE

ON

RAILWAY AND CANAL BILLS.

Ordered, by The House of Commons, *to be Printed,*
22 *March* 1858.

141. +

Under 1 *oz.*

SECOND REPORT

FROM THE

GENERAL COMMITTEE ON RAILWAY AND CANAL BILLS.

The General Committee on Railway and Canal Bills have added the Tees Conservancy Bill to Group 11 of Railway Bills.

SECOND REPORT

FROM THE

GENERAL COMMITTEE

ON

RAILWAY AND CANAL BILLS.

Ordered, by The House of Commons, *to be Printed,*
20 *April* 1858.

REPORT

FROM THE

GENERAL COMMITTEE OF ELECTIONS

ON THE

CASHEL ELECTION PETITION;

WITH THE

MINUTES OF EVIDENCE

TAKEN BEFORE THEM.

Ordered, by The House of Commons, *to be Printed,*
25 *March* 1858.

Veneris, 12° *die Martii*, 1858.

Ordered, That it be referred to the General Committee of Elections, to inquire into the circumstances connected with the Petition of John Joseph Scully, presented on the 18th day of August last, complaining that general and extensive bribery prevailed at the last Election for the Borough of Cashel, and to report their Opinion thereupon to The House.

REPORT - - - - - - - - - - - - - p. iii

MINUTES OF EVIDENCE - - - - - - - - - - p. 1

REPORT

SIR FRANCIS BARING reported from the GENERAL COMMITTEE OF ELECTIONS,—That in compliance with the Order of The House of the 13th March instant, by which it was referred to them to inquire into the circumstances connected with the PETITION of *John Joseph Scully*, presented on the 18th of August last, complaining that general and extensive Bribery prevailed at the last ELECTION for the Borough of *Cashel*, and to Report their Opinion thereupon to The House; THE GENERAL COMMITTEE of ELECTIONS have inquired into these circumstances, and have agreed to the following REPORT:—

THAT on the 20th May 1857 an Election Petition was presented, signed by James Lyster O'Bierne and John Joseph Scully, complaining of the Election for Cashel. This Petition was referred to the General Committee of Elections. Q. 7.

On the 8th June the Speaker reported that the recognizances were unobjectionable, and on the 29th July Mr. Walpole, from the General Committee of Elections, brought up the names of the Members selected to try and determine that Election. This Report was directed to lie on the Table. Q. 8.

On the 30th July the Speaker acquainted The House that he had received a letter from the agent of Petitioners withdrawing the Petition. The House ordered "That no further proceedings be taken in the said Petition."

On the 7th August a Petition was presented by John Joseph Scully, complaining, among other things, that the former Petition had been withdrawn without his consent or authority, and praying that The House would take the premises into consideration, and grant him such relief as might be thought fit. Q. 9.

This Petition was not considered a Petition under the 5 & 6 Vict., c. 102. It was ordered to lie on the Table; and no further proceedings were taken in respect of it.

On the 18th August the Petition now in question was presented, signed by the same John Joseph Scully, under the provisions of the 5 & 6 Vict., c. 102. That Petition was ordered to lie on the Table. Q. 10.

On the 21st August the Speaker acquainted The House that a recognizance had been entered into. Neither then nor previously was the Petition referred to the General Committee of Elections. Q. 13. Q. 11.

Parliament was prorogued on the 28th August, and reassembled on the 3d of December; and as the time allowed for objecting to the recognizances had not elapsed until after the Prorogation, it was only on the 10th of December that the Speaker acquainted The House that the recognizance in the Petition of John Joseph Scully was reported unobjectionable. Q. 19, 20. Q. 21.

At that time the General Committee of Elections did not exist, as the Members could not take the Oaths before the 11th of December at the earliest. But neither then nor subsequently was any reference of the Petition made to the General Committee of Elections. Q. 24. Q. 25.

The General Committee of Elections met for the first time on the 9th of February 1858. They had not the Petition referred to them, nor any cognizance 11 & 12 Vict. c. 98, s. 50.

zance of it, and, in consequence, made no appointment at their first meeting, or within two days of such meeting, of a day for the selection of a Committee to try the Petition, nor did they make any order respecting it.

5 & 6 Vict. c. 102, s. 10.

By the 5 & 6 Vict. c. 102, s. 10, it is enacted, That upon any such recognizances being entered into before the Examiner of Recognizances, or received by him with the affidavit thereunto annexed, he shall forthwith report the same to the Speaker; and upon receipt of any such report, the Speaker shall communicate the same to The House, and shall also cause notice thereof to be immediately sent by the post to the Returning Officer for the place for which the Election to which such Petition shall relate was held; and such Returning Officer shall cause a true copy of such notice to be affixed on or near the door of the Town-hall or of the parish church of or nearest to the place for which such Election was held; and such notice shall also be inserted, by order of the Speaker, in one of the next two London Gazettes.

Q. 13.

Q. 77, 78, 79.

Q. 70, 71, 72.

It has already been stated that on the 21st August the Speaker informed The House that a recognizance had been entered into on the petition of J. J. Scully. The notice required by the Act was inserted in the "Gazette" of the 28th August, by the order of the Speaker. It appears also that a letter in accordance with the section was written to the Returning Officer for Cashel, and, under the advice of the Speaker's Counsel, it was signed by the Speaker, and was posted by the Speaker's Secretary on the 21st August. It appears, however, from the evidence of Mr. James Power Lalor, late sheriff for the county of Tipperary, and Returning Officer for Cashel in August last, that no letter of such nature was ever received by him, or the person acting for him, and, consequently, no copy of notice was affixed at Cashel as directed by the Act.

The reference to the Committee was very extensive, but they have confined themselves to that which they understood was the wish of The House, and have not gone beyond a simple narrative of the facts necessary for the information of The House, and which were in doubt when the question of referring the Petition was discussed. They have consequently avoided inquiry into any of the other allegations contained in the Petition, and have been satisfied with ascertaining that no copy of the Speaker's Notice has been posted in Cashel, without investigating further how it happened that the Speaker's letter, posted at the House of Commons, in London, was never delivered to the Returning Officer as directed.

25 *March* 1858.

MINUTES OF EVIDENCE.

LIST OF WITNESSES.

Veneris, 19° *die Martii*, 1858.

Thomas Erskine May, Esq. - - - - - - - - p. 1

George Kettilby Rickards, Esq. - - - - - - - p. 6

The Honourable George Waldegrave - - - - - - p. 7

Jovis, 25° *die Martii*, 1858.

James Power Lawlor, Esq. - - - - - - - - p. 9

Mr. Henry Francis Lawford - - - - - - - - p. 10

Mr. Edward Ellis - - - - - - - - - - - p. 11

MINUTES OF EVIDENCE.

Veneris, 19° *die Martii*, 1858.

MEMBERS PRESENT:

Sir Francis Baring.	Mr. Miles.
Mr. Bonham Carter.	Mr. Palmer.
Sir William Heathcote.	Sir William Somerville.

The Right Hon. Sir F. T. BARING, Bart., IN THE CHAIR.

Thomas Erskine May, Esq., Examined.

T. E. May, Esq.

19 March 1858.

1. *Chairman.*] WHAT office do you hold?—Clerk-Assistant of the House of Commons.

2. With regard to proceedings at the table, do you take minutes of the proceedings?—Yes, of all the proceedings. I may say also that the second Clerk-Assistant takes duplicate minutes, and our minutes are compared with one another before the Votes are compiled.

3. Have you a copy of the Journals before you?—I have.

4. Will you refer to any proceedings which have taken place with regard to election petitions presented from Cashel since the last dissolution of Parliament?—I perceive that on the 18th of August 1857 the petition of John Joseph Scully, relating to the election for the borough of Cashel, was ordered to lie upon the table.

5. What was the nature of that petition?—It was a petition purporting to be presented under 5 & 6 Vict. c. 102.

6. Taking the petitions in their order, was there any previous petition with regard to Cashel?—There was a previous petition on the 7th of August.

7. Was that the first petition?—Yes, of Mr. Scully. It appears that on the 20th of May, in the second Session of 1857, an election petition was presented complaining of the election for Cashel. This petition was signed by James Lyster O'Beirne and John Joseph Scully, and was referred to the General Committee of Elections.

8. What became of that petition?—On the 8th of June the Speaker reported that the recognizance was unobjectionable; and on the 29th of July Mr. Walpole, from the General Committee of Elections, reported the names of the Members of the Select Committee who had been appointed to try and determine that election. This Report was ordered to lie on the table. On the 30th of July, the Speaker acquainted the House, that he had received a letter from the agents of the petitioners, withdrawing the petition of James Lyster O'Beirne and John Joseph Scully. At that time the Committee had been appointed by the General Committee of Elections, and it was waiting to be sworn; but the swearing had not taken place; and an unusual form of order was therefore adopted. Instead of the usual order, it was in this peculiar form, "Ordered, That no further proceedings be taken upon the said petition," and so ended the proceedings on the election petition.

9. Was there any subsequent petition from Cashel respecting the election?—Yes; on the 7th of August following a petition was presented from John Joseph Scully (one of the petitioners who had signed the petition presented to the House at the commencement of the Session), complaining of the withdrawal of the petition.

[*The Petition was read, as follows:*]

T. E. May, Esq. The humble Petition of John Joseph Scully, of Abbey View, Cashel, in the County of Tipperary, Esquire,

19 March 1858. Sheweth,

That he is one of the petitioners, with James Lyster O'Beirne, who presented a petition to this honourable House on the 20th May last, against the return of Sir Timothy O'Brien, Baronet, the sitting member for the borough of Cashel aforesaid.

That your petitioner presented such petition as one of the registered electors of the said borough, complaining that the election of the said Sir Timothy O'Brien was obtained by corruption and bribery, and that the said return was consequently wholly null and void.

That your petitioner presented such petition *bonâ fide*, and for the purpose that the allegations in the said petition ought to be inquired into by your honourable House, and that your petitioner might have the relief thereby sought.

That Charles Frazer Johnson, of Dublin, was employed by your petitioner and the said other petitioner as the solicitor in the matter, and that Mr. Thomas Holmes, of Fludyer-street, in the city of Westminster, was employed as the Parliamentary agent to present such petition.

That a Committee of your honourable House, to inquire into the allegations of the said petition, was nominated on the 28th day of July last, and 30th day of July last was fixed for proceeding with the said petition.

That on the 29th day of July last your petitioner for the first time heard that the said petition had been withdrawn from your honourable House.

That the said petition was withdrawn without his, your petitioner's, consent or authority, and that your petitioner was not at any time consulted by any one on the propriety of the said petition being withdrawn, nor was any communication made to him, directly or indirectly, by the said Charles Frazer Johnson, Thomas Holmes, or any other person or persons, that it was intended to withdraw the same.

That, if the said petition had been proceeded with, your petitioner is perfectly confident, and your petitioner verily believes that the said Charles Frazer Johnson, and also Thomas Holmes, were well satisfied that the allegations in the said petition would have been fully substantiated, and thereupon the election and return of Sir Timothy O'Brien would have been declared null and void.

That your petitioner, immediately he heard that the said petition had been withdrawn, proceeded to London to ascertain upon whose authority and upon what grounds the said petition had been withdrawn, when he was informed by the said Charles Frazer Johnson, that if the said petition had been proceeded with, the allegations therein would have been substantiated, and the result would have been that the election and return would not only have been declared null and void, but that said borough of Cashel would have been disfranchised, and for those reasons it was deemed expedient to withdraw the said petition.

That at the time your petitioner signed the said petition, he distinctly informed the said Charles Frazer Johnson that it was *bonâ fide* to be proceeded with, for that he was determined to show to your honourable House that the election and return of the said Sir Timothy O'Brien had been obtained by bribery and corruption of the grossest character, and contrary to the statutes in such case made and provided.

That your petitioner has also been informed that before the said petition was withdrawn, a negotiation was entered into by the agents to the said petition, or some other person or persons employed by them, for a compromise, and that certain terms were arranged for withdrawing the said petition, and that thereupon a large sum of money was paid by the said Sir Timothy O'Brien to the said Charles Frazer Johnson or Thomas Holmes, or one of them, as a consideration and price for withdrawing the same.

Your petitioner therefore humbly prays that your honourable House will take the premises into consideration, and give your petitioner such relief in the matter as to your honourable House may seem meet.

And your Petitioner will ever pray, &c.

John Jos. Scully.

(Mr. *May*.) That petition was not a petition within the provisions of the 5 & 6 Vict. c. 102, and it was ordered to lie on the table; but no further proceedings were taken in respect of it.

10. What was the next petition?—On the 18th of August a petition was presented from the same John Joseph Scully, praying for inquiry.

[*The Petition was read, as follows*:]

The humble Petition of John Joseph Scully, of Abbey View, Cashel, in the County of Tipperary, Esquire,

Sheweth,

That he is one of the petitioners with James Lyster O'Beirne, who presented a petition to this honourable House on the 20th May last against the return of Sir Timothy O'Brien, Baronet, the sitting member for the borough of Cashel, aforesaid.

That your petitioner presented such petition as one of the registered electors of the said borough, complaining that the election of the said Sir Timothy O'Brien was obtained by corruption and bribery, and that the said return was consequently wholly null and void.

That

That your petitioner presented such petition *bonâ fide*, and for the purpose that the allegations in the said petition might be inquired into by your honourable House, and that your petitioner might have the relief thereby sought. *T. E. May*, Esq. 19 March 1858.

That Charles Fraser Johnson, of Dublin, was employed by your petitioner and the said other petitioner as the solicitor in the matter, and that Mr. Thomas Holmes, of Fludyer-street, in the city of Westminster, was employed as the Parliamentary agent to present such petition.

That the said petition was withdrawn on the 28th day of July last.

That a committee of your honourable House to inquire into the allegations of the said petition was nominated on the 29th day of July last; but it does not appear that the said committee ever were sworn, and consequently, that no appointment of a committee took place.

That on the 30th day of July last your petitioner, for the first time, heard that the said petition had been withdrawn from your honourable House.

That the said petition was withdrawn without his, your petitioner's, consent or authority; and that your petitioner was not at any time consulted by any one on the propriety of the said petition being withdrawn, nor was any communication made to him directly or indirectly by the said Charles Fraser Johnson, Thomas Holmes, or any other person or persons, that it was intended to withdraw the same.

That general and extensive bribery prevailed at such election.

That if the said petition had been proceeded with, your petitioner is perfectly confident, and your petitioner verily believes, that the said Charles Fraser Johnson and also Thomas Holmes were well satisfied that the allegations contained in the said petition would have been fully substantiated, and thereupon the election and return of Sir Timothy O'Brien would have been declared null and void.

That your petitioner, immediately he heard that the said petition had been withdrawn, proceeded to London to ascertain upon whose authority, and upon what grounds, the petition had been withdrawn, when he was informed, by the said Charles Fraser Johnson, that if the said petition had been proceeded with, the allegations therein would have been substantiated, and the result would have been that the election and return would not only have been declared null and void, but that the said borough of Cashel would have been disfranchised; and, for these reasons, it was deemed expedient to withdraw the said petition.

That at the time your petitioner signed the said petition, he distinctly informed the said Charles Fraser Johnson that it was *bonâ fide* to be proceeded with, for that he represented a very large portion of the registered electors of the said borough, who were determined to show to your honourable House that the election and return of the said Sir Timothy O'Brien had been obtained by bribery and corruption of the grossest character, and contrary to the statutes in such case made and provided.

That your petitioner has also been informed, that before the said petition was withdrawn a negotiation was to be entered into by the agents to the said petitioner or some other person or persons employed by them for a compromise, and that certain terms were arranged for withdrawing the said petition, and that thereupon a large sum of money was paid by the said Sir Timothy O'Brien to the said Charles Fraser Johnson, Thomas Holmes, or the said James Lyster O'Beirne, or some or one of them, as a consideration and price for withdrawing the same.

Your petitioner therefore humbly prays that your honourable House will take the premises into consideration, and give your petitioner such relief in the matter as to your honourable House may seem meet.

And your petitioner will ever pray, &c. *John Jos. Scully.*

(Mr. *May*.) That petition contained an allegation which brought it within the provisions of the 5 & 6 Vict. c. 102. It was ordered to lie on the table.

11. When that petition was presented, was any reference of it made to the General Committee of Elections?—No; no such reference would properly have been made at that time, as no report had been received from the examiner of recognizances, that the recognizances had been entered into.

12. Will you state the provisions of the Act directing the course to be pursued?—"That no such petition as aforesaid shall be referred as hereinbefore provided" (that is to the General Committee of Elections), "unless some time before three of the clock in the afternoon of the seventh day after the day on which such petition shall have been presented, a recognizance or recognizances shall be entered into by two persons, each in the sum of 250 *l.*, or by one person in the sum of 500 *l.*, conditioned to be forfeited unless such persons shall establish and prove to the satisfaction of the Committee to which the petition shall be referred, that there was reasonable and probable ground for the allegations contained in such petition."

13. Were those recognizances entered into?—On the 21st of August the Speaker acquainted the House that he had received a report from the examiner of recognizances, stating that a recognizance had been entered into.

14. Was there any reference made on that day to the General Committee of Elections?—No. There was none during that Session.

T. E. May, Esq.

19 March 1858.

15. Is your memory sufficient to enable you to say that upon that day the question was not put from the chair?—I should scarcely venture to supplement the Votes and Journals of the House by any accidental recollection of my own, but I think I may say that I am in a position to affirm that no such question was put or entered in the minute-book.

16. The minutes are taken by both of the Clerks at the Table?—Yes.

17. And no notice of the question having been put, appears in the minutes of either the one or the other?—No; the minutes of both clerks go into the Journal Office, and from them the Votes are compiled; and if any variance is found between the two minutes, we are referred to for explanation and instruction.

18. Have the Journals of that Session been searched, with a view to ascertain whether any reference was made to the General Committee of Elections?—I have not searched the Journals myself, but a search has been made officially by the Clerk of the Journals. I stated that the Speaker laid upon the table of the House a report from the examiner of recognizances, that a recognizance had been entered into. But then an interval must elapse to give an opportunity to parties to contest the validity of the recognizance.

19. Under the Act of Parliament, how many days are allowed for that purpose?—In the case of a surety in Ireland, 14 days. As Parliament was prorogued on the 28th of August, the examiner had not an opportunity of making a report until the assembling of Parliament in December last.

20. On what day in December did Parliament meet again?—The House was prorogued on the 28th of August 1857, and re-assembled on Thursday the 3d of December 1857.

21. Do you find any proceedings on that petition after the re-assembling of Parliament?—Yes; I may state that on Monday, the 7th of December, the Speaker laid upon the table of the House his warrant for the appointment of members to serve on the General Committee of Elections, so that the Committee was constituted early in the Session. On the 10th of December, the Speaker acquainted the House that he had "received a report from the examiner of recognizances, stating that the recognizance to the petition of John Joseph Scully, complaining that general and extensive bribery prevailed at the last election for the borough of Cashel, is unobjectionable." There again there is no entry of any order of reference to the General Committee of Elections.

22. You say that the Speaker laid upon the table his warrant on the 7th of December; is there not a certain time given for objections to be taken to any name in that warrant?—Yes, three sitting days of the House.

23. When would be the earliest day on which the Committee could be sworn?—Friday, the 11th of December, would be the first day on which the General Committee of Elections could be sworn; and this report from the examiner of recognizances, that the recognizance was unobjectionable, was laid on the table upon the day previous.

24. At the time when the report of the examiner of recognizances with regard to the recognizances was made, there did not exist the General Committee of Elections?—No, it was not yet legally constituted.

25. You say that the Journals have been searched; has there been any subsequent reference to the General Committee of Elections of that Cashel Election Petition?—No such reference has been made.

26. Not till the reference that was ordered to this Committee the other day by the House?—No; the matter was discussed out of the House, and certain points of law were raised in regard to it, but no one suggested that there had been any reference; it was admitted on all hands that no such reference had been made.

27. Sir *W. Heathcote.*] In the ordinary course are election petitions referred before the recognizances are reported to be unobjectionable?—Yes; they are referred under the Election Petitions Act as soon as the petition is presented, indorsed by the examiner of recognizances, who certifies that the recognizances have been entered into.

28. In the ordinary course, the period at which the reference would have been made would have been before the prorogation?—Yes, certainly.

29. *Chairman.*] What is the practice with regard to the officer who examines the recognizances; is the petition sent to him, or in what way does he obtain notice

T. E. May, Esq.

19 March 1858.

notice of the petition?—It is brought to him by the parties themselves before it is presented to the House.

30. What is the practice with regard to petitions charging general bribery under 5 & 6 Vict. c. 102?— In that case the petition comes, in the first instance, to the House; but before the expiration of the time limited by the Act, the parties go to the examiner of recognizances, and enter into the requisite recognizances.

31. The onus is upon them to enter into the recognizances?—No doubt.

32. In these proceedings is the Speaker supposed to be aware of what is going on as the business proceeds, or is there any note given to him in any shape calling his attention to what is required to be done on the petition?—With regard to an ordinary election committee, it would be superfluous to prepare any note, as the practice is so common; but in the case of any exceptional proceeding it is customary to prepare an order in advance.

33. Under the 10th section of 5 & 6 Vict. c. 102, certain notices are required to be given by the Speaker when the recognizances are entered into before the examiner of recognizances, to enable objection to be made; are those notices issued by the clerks at the table?—No; they are issued by the Speaker's secretary, who would consult the Speaker's counsel on points of law.

34. Is there a return made to the Speaker's secretary. Is the petition sent to him, or in what shape is he made aware of what has happened?—The 10th section of the 5 & 6 Vict. c. 102, enacts, "That upon any such recognizances being entered into before the examiner of recognizances, or received by him, with the affidavit thereunto annexed, he shall forthwith report the same to the Speaker; and upon receipt of any such report the Speaker shall communicate the same to the House, and shall also cause notice thereof to be immediately sent by the post to the returning officer for the place for which the election to which such petition shall relate was held; and such returning officer shall cause a true copy of such notice to be affixed on or near the door of the town-hall or of the parish church of or nearest to the place for which such election was held; and such notice shall also be inserted, by order of the Speaker, in one of the next two London Gazettes."

35. That is the Speaker's duty; what I wish to ask is this: in what way is the Speaker's secretary informed that it is necessary that the Speaker should issue those notices?—The examiner of recognizances is required to report the matter forthwith; he would be fully cognizant of the provisions of this Act, and would direct attention to anything exceptional.

36. Do you communicate with the petitioners?—No; we have discharged our functions when we have registered the decision of the House, or other proceeding, and it would then rest with the Speaker's secretary and the examiner of recognizances.

37. When these petitions are referred to the General Committee of Elections, is the reference made by the Speaker putting the question?—Yes, by the Speaker putting the question.

38. He puts it from the chair?—Yes.

39. Although under the Act the House is bound to refer it?—The Act of Parliament directs the House to refer it, and in obedience to that direction the Speaker formally puts the question.

40. Sir *William Heathcote.*] When the Act of Parliament prescribes a particular step, such as the reference of a petition, whose duty is it to see that that step is taken?—I think that would depend very much upon the nature of the Act of Parliament directing the particular step to be taken. With reference to the ordinary case of an election petition, as I have stated, it is so common an occurrence, that the Speaker takes notice of it officially, and puts the question almost as a matter of form, without any motion being made. But in an exceptional case of this description, unless an express motion is made in the House, or unless the Speaker receives a private intimation from his counsel or his secretary, or from some other officer, that such a course is prescribed by the Act, it would not be put from the chair as a matter of course.

41. Is it the practice that the Member presenting the petition, and whose name is on the petition, should make the motion?—It appears to me that in a case of this sort, the party signing the petition, or his agent, was bound to see that the course he desired to be taken was actually taken, and that he should have communicated with a Member or with the officers of the House for that purpose.

T. E. May, Esq.

19 March 1858.

purpose. It was a matter of doubt whether this petition was in reality within the Act of 5 & 6 Vict. c. 102, inasmuch as the original petition had not been withdrawn till the appointment of the Election Committee by the General Committee of Elections, and it is an open question of law even now; and I think, in such a case as this, a formal motion ought to have been made by a Member, instructed by the petitioner himself, or his agent, just as the second reading of a Private Bill is moved by a Member on behalf of the promoters. When a petitioner is in earnest, his agent is sufficiently vigilant to detect any omission which may affect his interests; and in this case he might readily have prevented the omission, or have obtained its correction.

George Kettilby Rickards, Esq., Examined.

G. K. Rickards, Esq.

42. *Chairman.*] WHAT office do you hold?—Examiner of Recognizances, and Counsel to the Speaker.

43. You have heard the evidence which Mr. May has given with regard to the facts which have come before us relating to these petitions; the subject has been a good deal under your consideration, has it not?—Yes, it has.

44. So far as your knowledge goes, has Mr. May correctly stated those facts?—Perfectly so.

45. Does the examination of recognizances take place before you?—Yes.

46. The recognizances were entered into, as Mr. May stated they were?—They were.

47. And you reported that they were entered into, as Mr. May stated?—I did.

48. It is not your duty to give notice in any shape?—No; but I consider it my duty to call the attention of the Speaker to any provisions in the Election Acts which require any act to be done by him; I communicated with Mr. Waldegrave, and I believe I suggested a form of notice to be given to the returning officer.

49. What notice do you consider should be given to the returning officer?—The notice under the 10th section of the 5 & 6 Vict. c. 102, informing him that a petition has been presented under that Act of Parliament, and that recognizances have been been entered into.

50. You furnished the Speaker's secretary with the proper form?—I either gave him the form, or instructed him in what terms the notice should be drawn up.

51. Did you see it drawn up?—I believe I did see it.

52. So far as you are concerned, was everything done regularly; was there any omission with regard to the recognizances?—I do not think there was any omission at all; I believe that everything was done correctly under the statute, so far as giving the notices is concerned.

53. You do not give the notices, do you?—No.

54. I am confining the question to your own official duty?—My opinion is that everything was done that the Act required.

55. Will you produce the recognizance?—

[*The same was handed in, and read, as follows:*]

Be it remembered, that on the 21st day of August in the year of our Lord 1857, before me, George Kettilby Rickards, Esquire, Examiner of Recognizances for the House of Commons, came St. Pierre Butler Hook, residing at No. 1, Lancaster-terrace, Regent's Park, in the county of Middlesex, gentleman, and acknowledged himself to owe to Our Sovereign Lady the Queen the following sum, that is to say, the sum of 500*l.*, to be levied on his goods and chattels, lands and tenements, to the use of Our Sovereign Lady the Queen, her heirs and successors. The condition of the above recognizance is, that if the said St. Pierre Butler Hook shall establish and prove to the satisfaction of the Committee to which the petition of John Joseph Scully shall be referred, presented by him to the House of Commons on the 18th of August instant, complaining that general and extensive bribery prevailed at the last election for the borough of Cashel, in the county of Tipperary, that there was reasonable and probable ground for the allegations contained in such petition, then this recognizance to be void, otherwise to be of full force and effect.

(signed) *St. P. B. Hook.*

G. K. Rickards.

St. Pierre

St. Pierre Butler Hook, of 1, Lancaster-terrace, Regent's Park, in the county of Middlesex, gentleman, maketh oath and saith, that he is possessed of personal estate above what will satisfy his debts of the clear value of 500*l.* — *G. K. Rickards, Esq.*

Sworn by the said St. Pierre Butler Hook, at the House of Commons, this 21st day of August 1857, before me, George K. Rickards, Examiner of Recognizances. — *St. P. B. Hook.*

19 March 1858.

56. Mr. *Bonham Carter.*] Do the recognizances accompany the notice to the returning officer?—They do not; all that the Act requires is notice that the recognizance has been entered into.

57. *Chairman.*] What is the duty of the returning officer when he has received the notice?—His duty is to cause a copy of the notice which he has received from the Speaker's secretary to be affixed on or near the door of the Town-hall or of the parish church of Cashel; then the Act directs the publication of the notice in the Gazette.

58. Mr. *Bonham Carter.*] Is there any penalty imposed upon the returning officer if he does not comply with those directions?—No, but the returning officer would be amenable to the jurisdiction of the House.

59. Is it the practice for the returning officer to acknowledge the receipt of the notice?—As to the practice under this Act, I believe this is the first case which has arisen; I know of no other case under this Act of Parliament, and therefore I cannot speak to what the practice is; but he is not required to acknowledge the receipt of the notice.

60. Mr. *Mills.*] How long have you been examiner of recognizances?—Between six and seven years.

61. And during that time no similar case to the present has occurred?—No case under this section of the 5th and 6th of Victoria, chapter 102, has occurred.

62. Mr. *Bonham Carter.*] Is there any other Election Act in which notices are required to be affixed to the doors of either Town-halls or parish churches?—The 18th section of the Election Petitions Act, the 11th & 12th Victoria, cap. 98, prescribes, that when the sitting member declines to defend his return, the Speaker shall give notice "to the sheriff or other returning officer for the county, city, borough, district of burghs, port or place to which such petition relates; and such sheriff or other returning officer shall cause a true copy of such notice to be affixed on or near the door of the County-hall or Town-hall, or of the parish church nearest to the place where such election has usually been held."

63. Do you remember any cases under that section?—Yes.

64. That is for the purpose of enabling other parties to defend the return?—Yes.

65. *Chairman.*] You have heard Mr. May's evidence with regard to the time at which he considered the petition should have been regularly referred to the General Committee of Elections; are you of the same opinion?—I am; what he has stated would be consistent with the practice; the petition ought to have been referred in August last.

The Honourable *George Waldegrave*, Examined.

66. *Chairman.*] WHAT office do you hold?—Secretary to the Speaker. — Hon. *G. Waldegrave.*

67. Have you heard the evidence of Mr. May and Mr. Rickards?—I have.

68. So far as the facts they have spoken to come within your knowledge do you concur in the statements they have made?—I do.

69. What was the date of the report that the recognizances had been entered into?—The 21st of August.

70. On that occasion it was the duty of the Speaker to cause the notice to be sent by post to the returning officer for the place for which the election to which the petition related was held; do you remember whether any letter was written to the returning officer, in consequence of those recognizances being reported?—In the beginning of the clause which directs the notice to be given to the returning officer, the Speaker is bound to report the notice that he has received from the examiner of recognizances to the House, which he did do. Then he is bound to communicate immediately to the "Returning officer for the place for which the election to which such petition shall relate was held." The Speaker did, on the evening upon which he received the report, send a

Hon. *G. Waldegrave.*

19 March 1858.

letter to the returning officer for Cashel, which I put in the post myself; and I requested the postmaster to notice that I was putting in a letter of consequence.

71. Did you write that letter, or cause it to be written?—I wrote it, and the Speaker signed it.

72. Did he sign it in your presence?—Yes; a draft copy was submitted to the Speaker's counsel.

73. Have you received any acknowledgment of the receipt of that letter from the returning officer?—I have not, and the Speaker has not.

74. Is it the practice, whenever such letters are required to be sent, that they are acknowledged?—I understand not.

75. Your letter did not desire that the receipt of it should be acknowledged?—No.

76. That is not the form of the letter?—No.

77. I observe also that the clause says, "such notice shall also be inserted by order of the Speaker in one of the next two London Gazettes;" was that done?—It was. I have before me the Gazette in which it was inserted—(*producing the same*).

78. What is the date of the notice?—The 21st of August.

79. What is the date of the Gazette?—The 28th of August. The notice was sent on the evening of the 21st, but it was too late for insertion in the Gazette of that date, the Gazette having gone to press, and the Editor forgot to put it in the next one; but it was inserted that day week.

80. Have the goodness to tell the Committee at what time your letter was sent to the Gazette office?—To the best of my memory, about five o'clock.

81. Of what day?—Of Friday, the 21st of August. It was dated on that day.

82. At what time does the Gazette appear?—Four o'clock in the afternoon. The editor refuses to receive any State notices after three o'clock, and any advertisements after 12 o'clock of the day of publication. He refuses to receive any State documents after three o'clock; but I sent the notice on that day, in order that no time should be lost.

83. Will you read the notice?—"*Veneris*, 21° *die Augusti*, 1857. Whereas a petition of John Joseph Scully, of Abbey View, Cashel, in the county of Tipperary, Esquire, complaining that general and extensive bribery prevailed at the last election for the borough of Cashel, was presented to the House of Commons on the 18th of August instant: and whereas I have this day received a report from the Examiner of Recognizances, stating that a recognizance, with an affidavit thereunto annexed, has been entered into before him this day, in the matter of the said petition: now I do hereby give notice thereof, in pursuance of the directions of the Act 5th & 6th Victoria, chapter 102. Given under my hand this 21st day of August 1857. *John Evelyn Denison*, Speaker."

84. Sir *William Heathcote.*] I gather from what you have said, that the letter which was sent to the returning officer was not a registered letter?—No.

85. *Chairman.*] Have you got a copy of the letter?—There was a copy of it, but I cannot lay my hand on it just now.

86. Mr. *Bonham Carter.*] Are the Committee to understand that the reason of the non-insertion of the notice in the Gazette of the 25th of August was an omission on the part of the printer of the Gazette?—It was an omission on the part of the printer and publisher.

87. Mr. *Miles.*] Did you call his attention to that omission?—I did, and he sent me an apology; when I observed, on the night of the 25th of August, that this notice was not in the Gazette of that date, I sent up to him and called his attention to the omission of the notice in that Gazette, and he sent me an apology, stating, that under the pressure of business it had escaped his notice, but that it should appear in the next Gazette. I took the pains, on the morning of Friday the 28th August, to send him a letter requesting that it might not again be omitted, and the notice was inserted on the 28th. The requirements of the Act of Parliament were therefore complied with.

Jovis, 25° die Martii, 1858.

MEMBERS PRESENT:

Sir F. T. Baring.	Sir William Heathcote.
Mr. Bonham-Carter.	Mr. Palmer.

The Right Honourable FRANCIS THORNHILL BARING, BART., IN THE CHAIR.

James Power Lawlor, Esq., Examined.

J. P. Lawlor, Esq.
25 March 1858.

88. *Chairman.*] WERE you returning officer for the borough of Cashel at the last general election?—I was returning officer, as being high sheriff of the county. I was present at the nomination; but I deputed my deputy to remain, and act as returning officer at the election.

89. Were you, under the Act, the returning officer?—Yes, I was returning officer. The return was signed by the sub-sheriff for me; I had a power to do so.

90. How long did you continue as returning officer?—As long as I remained in office. I think the present high-sheriff was appointed about the 28th of February; I was returning officer until February 1858.

91. Did you receive any letter from The Speaker, directing you to cause a copy of certain notices to be affixed to the town hall or parish church?—No, I did not.

92. You have not received such a letter since the return?—I have not received any communication whatever, nor has the sub-sheriff; I saw him on Tuesday, and I interrogated him on the subject.

93. Do you reside near Cashel?—I have got property in the neighbourhood of Cashel, but I reside about 20 miles from Cashel, in Tipperary.

94. Are your letters usually directed to Cashel?—No, they are not; they are directed to Templemore; Templemore is my post town.

95. Sir *William Heathcote.*] Would official letters directed not by name, but simply to the returning officer, go to the sub-sheriff or to you?—Always to me, always to the high-sheriff. If it was directed even to "Tipperary" it would be sure to find me.

96. A letter directed to the returning officer of the Borough of Cashel would have gone to you and not to the sub-sheriff?—Yes, I presume so. It certainly would not have gone to the sub-sheriff; every communication goes to the high-sheriff.

97. Mr. *Palmer.*] There is no Mayor of Cashel we are informed now?—No, certainly not, because if there was he would be the returning officer.

98. Mr. *Bonham-Carter.*] Do you recollect ever receiving any letter addressed to you simply as returning officer?—No letter whatever on the Cashel Election.

99. Has any letter under that address ever reached you?—Not since the election, certainly.

100. *Chairman.*] Have you received any letter with reference to putting up any notice relating to the election since the last general election?—None whatever.

101. Mr *Bonham-Carter.*] The object of my question was to ask you whether you ever receive letters addressed to you as "Returning Officer," without any name or other address?—I do not think the sheriff is ever addressed as "The Returning Officer." I have certainly never received any communication whatever as returning officer; but I should say that if any communication whatever has been addressed simply to "The Returning Officer" it very probably remains in the Post-office at Cashel at this moment, because the Postmasters are not always very intelligent, and they would not know who the returning officer was. The Postmaster's salary is something about £. 5 a-year, and they are not a very intelligent class generally, at least not very often. I went to Clonmel on Tuesday to see my late sub-sheriff, who is also the present sub-sheriff, and to

J. P. Lawlor, Esq.

25 March 1858.

inquire if he had received any communication from The Speaker, and he assured me that he had not.

102. Were you absent from home during the autumn?—No; I was at home during almost the whole of the autumn; I was in Ireland.

103. Is your deputy living in Cashel?—No, he lives in Clonmel.

104. Then is it the fact that the postmaster, in order to get the letter delivered, would have had to ascertain who the sub-sheriff was, and then to forward it to Clonmel?—He ought to have forwarded it to me.

105. In that case, should you have answered it yourself, or have forwarded it to your deputy?—I very probably should have forwarded it to my sub-sheriff; any simple question I should have answered myself; if it was at all complicated, I might have answered it myself; I should have referred it to the sub-sheriff. The high-sheriff can always depute his deputy to act, and he is responsible for his acts.

Mr. *Henry Francis Lawford*, Examined.

Mr. *H. F. Lawford.*

106. *Chairman.*] WHAT office do you hold?—Post-office receiver at the House of Commons.

107. Do you remember, in August last, a letter being posted, or given to you for the purpose of being sent to "The Returning Officer" at Cashel?—I have not the slightest recollection of it.

108. What is the practice of your office with regard to letters which are posted from The Speaker, containing notices from the House of Commons, or anything of that kind?—If they are posted in the same way as other letters, of course I clear the box every hour, and dispatch them at the stated hours; but I should not know them from any other letters.

109. A letter, with The Speaker's name upon the outside, you would, of course, be able to distinguish from other letters?—I should not distinguish it from other letters when I take them out by handfuls, to put them into a bag to dispatch them, unless my attention had been directed to any particular letter.

110. Do you stamp the letters?—No; they are stamped at the General Post-office.

111. And there is no sorting at your office?—Not at all; after they are dropped into the box, I merely take them out, and put them in the bag, and then seal the bag. They are sorted and stamped at the General Post-office.

112. Mr. *Palmer.*] If any letter had been brought to your letter-box by any one of the officers of the House with The Speaker's name upon the cover, you probably would have taken notice of it?—I might have recollected his drawing my attention to some particular circumstance when he posted the letter, but I might not have recollected any particular letter, or the address on that letter, unless he had shown it to me at the time.

113. You do not recollect that circumstance having taken place in the month of August 1857?—Not at all.

114. *Chairman.*] In such a case, if your attention had been called to a letter with The Speaker's name upon the cover, what would have been your course of proceeding? Would you have separated that letter from the other letters, and put it with the registered letters?—Yes, if my attention had been particularly called to it, and if there had been an inquiry from the Post-office about such a letter, I might have recollected that an official had posted such a letter at the office of the House of Commons, and I could have taken my affidavit that I had sent it away with the dispatch at a certain hour; that is all I could have done.

115. It would have been merely matter of memory?—Yes, merely the circumstance of his having named it.

116. Would you have separated it from the general mass of letters, and sent it to the Post-office in a separate form?—No; I would have sent the letters all together.

117. Mr. *Bonham-Carter.*] You have the power of registering letters at your office?—Yes.

118. *Chairman.*] When a letter is registered do you send it separately from the other letters?—When parties give me a letter to register of course I give them a receipt for that letter.

119. Do you send that letter to the Post-office under a separate cover, or in a separate

a separate bag?—No, I merely enter it in another book after I have given a receipt for the letter, and tie it up with a piece of green ribbon, and then it is taken notice of at the General Post-office, and they enter it in another book. Mr. *H. F. Lawford.* 25 March 1858.

120. Then you tie up registered letters with a piece of green ribbon in order that they may be distinguished from others?—Yes, and then I put them in the bag.

121. Supposing the letter in question had been given to you with a notice that it was a letter of importance from The Speaker, would you have tied that up with a piece of green ribbon?—No, if they had not paid the registration.

122. You would not have taken any particular course with it?—I should have taken no more notice of it than if it had been any other letter.

Mr. *Edward Ellis*, Examined.

123. *Chairman.*] YOU hold an office in the General Post-office?—Yes. Mr. *Edward Ellis.*

124. What office do you hold?—I am head of the Missing Letter Branch.

125. Can you give the Committee any information with reference to a letter which appears to have been posted on the 21st of August last, directed to "The Returning Officer of Cashel"?—I cannot.

126. Can you tell us what is the practice with regard to a missing letter; in case a letter had been sent to Cashel and had not been delivered there, what would be the practice; would it remain at Cashel, or would it be returned or reported to you?—It should remain at Cashel for a week, and it should then be sent to the Returned Letter Branch, and from the Returned Letter Branch to the sender.

127. Mr. *Bonham-Carter.*] The Returned Letter Branch where?—In Dublin; and then from Dublin to the sender.

128. *Chairman.*] Supposing a letter was posted in London on the 21st, if there was any difficulty in delivering it at Cashel, when would that letter have been returned to the Dublin Post-office?—It should have been kept a clear week there; if it arrived, say on Monday, it should be sent back the following Tuesday week.

129. Is it now the practice to return letters from Ireland to London, at all?—Not to London; to Dublin only.

130. Supposing the returned letter bears the London postmark, what is done then in Dublin?—It would be returned from Dublin to the writer or sender; it would be opened in the Dublin office, unless it bore evidence on the outside of the sender, in which case it would not be opened.

131. It would be sent direct to the sender if they could recognise from the direction who it was?—Yes.

132. Supposing the letter had The Speaker's mark on the outside as being sent by The Speaker, and had arrived at Cashel, would it have been the duty of the postmaster at Cashel, if he found any difficulty in delivering it, to communicate either with the Post-office in Dublin or the Post-office in London, for the purpose of ascertaining the course he should pursue with respect to the letter?—He might do so; I think a great many postmasters would do so; but his instructions would not direct him to do so.

133. If he chose to do so he might keep it the whole week without doing anything?—Yes.

134. Is there any return made to the General Post-office from Dublin of missing letters?—No, there would be no record kept of them, except those letters which contain valuable inclosures, that is intrinsically valuable inclosures; they are recorded in the Dead-letter Office.

135. Do you make any distinction between official letters and other letters?—No.

136. What is the practice with regard to letters which are registered. If a letter was registered, in that case would there be a communication if the postmaster found a difficulty in delivering it according to the address?—A registered letter is recorded in its entire course through the Post-office from the beginning to the end.

137. If this letter to Cashel had been registered, would it have been necessary for the postmaster at Cashel to have admitted its receipt by return of post?—No; he would keep the receipt that he obtained for the letter on delivery, and

Mr. *Edward Ellis.*

25 March 1858.

that would be required if there were any dispute about its delivery, but otherwise he would keep the receipt itself.

138. What would be the course of proceeding in the case of a registered letter which the postmaster was unable to deliver?—He should return it at the proper period, in the same way as an ordinary letter, except that he should enter it upon the letter-bill, and it should be recorded throughout; and there would be a receipt for it.

139. Sir *William Heathcote.*] Supposing he fails to return it according to his duty, how is he checked in the case of a registered letter?—The letter is first entered upon the letter-bill; that letter-bill he is required to sign, and if he does not raise any question about the entries upon it, that is tantamount to a receipt for that particular letter, and he is then required to account for it.

140. If he cannot find the person to whom the letter is addressed and does not deliver it, and he does not report it at head-quarters, how is it known?—It is not known unless a question is raised. If he suppresses a registered letter, and we are told that the letter has not been delivered, we can trace it to him immediately.

141. Mr. *Bonham-Carter.*] You assume that the person who ought to be the recipient of the letter is the person who would raise the question?—Either he or the sender not getting an answer, or not finding his business attended to.

142. The postmaster would, in the usual course, retain a registered letter for a clear week, as he would retain a non-registered letter?—Yes.

143. Is there any difference in the course with reference to a registered letter, when the postmaster returns it non-delivered to the Dublin Office, as distinguished from an ordinary letter?—Yes, it is entered on a special form at the Dead-letter Office, and that form is entered on the letter-bill.

144. It would not be mixed up with the ordinary letters?—Certainly not.

145. *Chairman.*] With regard to a common letter, if a postmaster puts it into the fire, have you any means of checking him?—Not of checking him.

146. Mr. *Bonham-Carter.*] In the case of a letter addressed to the returning officer of the borough of Cashel without any name upon it, what would be the duty of the postmaster on its coming into his hands?—To send it to the office of the returning officer; election writs are delivered in the same way to returning officers.

147. Suppose the returning officer has no office at Cashel, and is not resident at Cashel?—Then the letter would be misdirected.

148. *Chairman.*] Would the postmaster return that letter to Dublin?—If he could not deliver it, he should return it to Dublin.

149. Mr. *Bonham-Carter.*] What extra trouble ought the postmaster to take if there is not upon the face of the letter immediate means of identifying the person to whom it is addressed with somebody resident within his district?—That would depend a great deal upon the man's discretion. It is a question that I cannot quite answer. I suppose the postmaster himself would be the only person who could answer it.

150. Having exercised his discretion to the best of his judgment, and having failed to find the person, would it then be his duty to return the letter to Dublin?—It is possible that the person to whom the letter is addressed may live at another post town, and after the postmaster has transferred it to that post town, it would be beyond his province; it would then depend upon the postmaster of the other post town.

151. *Chairman.*] Has there been any change in the post-office at Cashel since the last election, or is the same person postmaster now who was postmaster there at that time?—I believe it to be the same. I do not know whether it may be important to mention that we are required to obtain the addresses of the returning officers for the purpose of sending election writs only.

REPORT

FROM THE

GENERAL COMMITTEE OF ELECTIONS

ON THE

CASHEL ELECTION PETITION;

WITH THE

MINUTES OF EVIDENCE

TAKEN BEFORE THEM.

Ordered, by The House of Commons, *to be Printed,*
25 *March* 1858.

157.

Under 3 *oz.*

REPORT

FROM THE

SELECT COMMITTEE

ON

STANDING ORDERS REVISION.

1857-8.

Ordered, by The House of Commons, *to be Printed*,
23 *July* 1858.

460.

Martis, 13° *die Julii*, 1858.

Ordered, THAT a Select Committee be appointed "for revising the Standing Orders."

That the said Committee do consist of—

Colonel Wilson Patten.	Sir Robert Ferguson.
Mr. Henley.	Mr. Lockhart.
Sir James Graham.	Mr. Bonham-Carter.
Mr. FitzRoy.	Mr. John Arthur Wynne.
Mr. Edward Pleydell Bouverie.	Mr. Deedes.
Sir John Yarde Buller.	Mr. Edward Egerton.
Mr. Wrightson.	Mr. Scholefield.

Ordered, That the said Committee have power to send for Persons, Papers and Records.

Ordered, That Five be the Quorum of the Committee.

Veneris, 16° *die Julii*, 1858.

Ordered, THAT Mr. John Arthur Wynne be discharged from further attendance on the Committee; and that Mr. Sotheron Estcourt and Mr. Robert Palmer be added thereto.

Mercurii, 21° *die Julii*, 1858.

Ordered, THAT the Report of the Committee on Railway and Canal Legislation be referred to the Committee.

THE REPORT - - - - - - - - - - - p. iii
PROCEEDINGS OF THE COMMITTEE - - - - - p. iv
STANDING ORDERS - - - - - - - - - p. 1

REPORT.

THE SELECT COMMITTEE appointed for revising the STANDING ORDERS;—

HAVE considered the matters to them referred, and have agreed to report the STANDING ORDERS, as revised by them, to The House.

23 July 1858.

PROCEEDINGS OF THE COMMITTEE.

Martis, 20° *die Julii*, 1858.

MEMBERS PRESENT:

Colonel W. Patten.	Sir R. Ferguson.
Sir J. Y. Buller.	Mr. Egerton.
Mr. Fitzroy.	Mr. Deedes.
Mr. R. Palmer.	Sir James Graham.
Mr. S. Estcourt.	Mr. B. Carter.
Mr. Wrightson.	

Colonel WILSON PATTEN called to the Chair.

Standing Orders relating to Private Bills read, considered, and several Amendments made.

Standing Order 36 read. Motion made and Question proposed, to omit "31st," for the purpose of inserting "23d" instead thereof. Question put, "That '31st' stand part of the Order." The Committee divided:

Ayes - - 3.	Noes - - 7.
Mr. Fitzroy.	Sir J. Y. Buller.
Mr. R. Palmer.	Mr. Wrightson.
Mr. Sotheron Estcourt.	Sir R. Ferguson.
	Mr. E. Egerton.
	Mr. Deedes.
	Sir J. Graham.
	Mr. B. Carter.

Question that "23d" be there inserted, put, and agreed to.

Standing Order 38 read, and amended, by leaving out the words "copies of subscription contracts."—Standing Order, as amended, read, and agreed to.

Standing Order 63 read, and amended, by leaving out the words "excepting" "(for which see Order 64)" "one-twentieth part of the amount required to be subscribed (see No. 56) shall," and inserting the words "8 per centum on the amount of the estimate of expense, and in the case of all other Bills, a sum not less than 4 per centum of the amount of such estimate shall."—Standing Order, as amended, read, and agreed to.

[Adjourned to Thursday, at Twelve o'clock.

Jovis, 22° die Julii, 1858.

MEMBERS PRESENT:

Colonel Wilson Patten in the Chair.

Mr. Henley.	Sir R. Ferguson.
Mr. Robert Palmer.	Sir J. Y. Buller.
Mr. Wrightson.	Sir James Graham.

Several Standing Orders amended.

New Orders read, considered, and agreed to.

Question, "That the Standing Orders, as revised, be reported to The House," put, and agreed to.

Ordered to Report.

STANDING ORDERS.

CONTENTS.

STANDING ORDERS RELATIVE TO PRIVATE BILLS:

Page

I. APPOINTMENT OF COMMITTEES AND EXAMINERS OF PETITIONS FOR PRIVATE BILLS - - - - - - - - - - 3

II. THE TWO CLASSES OF PRIVATE BILLS - - - - - - - 7

III. STANDING ORDERS, COMPLIANCE WITH WHICH IS TO BE PROVED BEFORE THE EXAMINERS OF PETITIONS FOR PRIVATE BILLS - - - - - - - - - - - - - 11

IV. PROCEEDINGS OF EXAMINERS, OF CHAIRMAN OF COMMITTEE OF WAYS AND MEANS, AND OF COMMITTEES - - - - - 25

PROCEEDINGS OF EXAMINERS OF PETITIONS FOR PRIVATE BILLS - - - - - - 27

——————— OF, AND IN RELATION TO, THE CHAIRMAN OF THE COMMITTEE OF WAYS AND MEANS, AND THE COUNSEL TO MR. SPEAKER - - - 29

——————— OF THE SELECT COMMITTEE ON STANDING ORDERS - - - - 31

——————— OF THE COMMITTEE OF SELECTION, AND OF GENERAL COMMITTEE ON RAILWAY AND CANAL BILLS - - - - - - - - - - 33

——————— OF COMMITTEES ON OPPOSED BILLS - - - - - - - - - 35

——————— OF, AND IN RELATION TO, COMMITTEES ON BILLS, WHETHER OPPOSED OR UNOPPOSED - - - - - - - - - - - - - - - 39

——————— OF SELECT COMMITTEE ON DIVORCE BILLS - - - - - - - 51

V. THE ORDERS REGULATING THE PRACTICE OF THE HOUSE WITH REGARD TO PRIVATE BILLS - - - - - - - - 53

VI. THE ORDERS REGULATING THE PRACTICE IN THE PRIVATE BILL OFFICE - - - - - - - - - - - - - - - 61

APPENDIX:

(A.)—FORM OF APPLICATION TO OWNERS, LESSEES AND OCCUPIERS - - - - - 69

(B.)—ACT TO COMPEL CLERKS OF THE PEACE AND OTHERS TO RECEIVE DOCUMENTS REQUIRED TO BE DEPOSITED WITH THEM - - - - - - - - - - 71

(C.)—ACT PROVIDING FOR THE CUSTODY OF MONIES PAID IN PURSUANCE OF THE STANDING ORDERS - - - - - - - - - - - - - - - 72

STANDING ORDERS RELATIVE TO PUBLIC MATTERS:

RELIGION - 75

TRADE - ibid.

PUBLIC MONEY - - - - - - - - - - - - - - - - - - ibid.

PECUNIARY PENALTIES - - - - - - - - - - - - - - - - 76

TEMPORARY LAWS - - - - - - - - - - - - - - - - - ibid.

PRESENTATION OF PUBLIC PETITIONS - - - - - - - - - - - - ibid.

MEMBERS' PLACES - - - - - - - - - - - - - - - - - 77

STRANGERS - - - - - - - - - - - - - - - - - - - ibid.

PRAYERS - ibid.

LETTERS - ibid.

PUBLIC BUSINESS - - - - - - - - - - - - - - - - - 78

OFFICE OF SPEAKER - - - - - - - - - - - - - - - - 79

STRANGERS AND DIVISIONS - - - - - - - - - - - - - - - 80

SELECT COMMITTEES - - - - - - - - - - - - - - - - 80

TABLE OF FEES TO BE CHARGED AT THE HOUSE OF COMMONS - - - - - - - - - - - - - 83

1.

Appointment of Committees and Examiners of Petitions for Private Bills.

I.

APPOINTMENT OF COMMITTEES AND EXAMINERS OF PETITIONS FOR PRIVATE BILLS.

4.

The word "five" omitted, and the words "a majority of the whole number of such Committee" inserted instead thereof.

Appointment of Committees and Examiners of Petitions for Private Bills.

STANDING ORDERS.

I.

APPOINTMENT OF COMMITTEES AND EXAMINERS OF PETITIONS FOR PRIVATE BILLS.

1.

Examiners of Petitions.

THERE shall be one or more Officers of this House, to be called "THE EXAMINERS OF PETITIONS FOR PRIVATE BILLS," who shall be appointed by Mr. Speaker.

2.

Committee on Standing Orders.

There shall be a Committee, to be designated "THE SELECT COMMITTEE ON STANDING ORDERS," to consist of *Eleven* Members, who shall be nominated at the commencement of every Session, of whom *Five* shall be a Quorum.

3.

Committee of Selection.

There shall be a Committee, to be designated "THE COMMITTEE OF SELECTION," to consist of the Chairman of the Select Committee on Standing Orders, who shall be *ex-officio* Chairman thereof, and *Five* other Members, who shall be nominated at the commencement of every Session, of which Committee *Three* shall be a Quorum.

4.

General Committee on Railway and Canal Bills.

There shall be a Committee, to be designated "The General Committee on Railway and Canal Bills," which shall be nominated at the commencement of every Session by the Committee of Selection; and a majority of the whole number of such Committee shall be the Quorum of the Committee.

5.

Committee of Selection may discharge Members and add others.

The Committee of Selection may, from time to time, discharge Members from further attendance on such General Committee, and add other Members in their room, and shall appoint the Chairman of such Committee.

6.

General Committee to appoint Chairman.

The General Committee on Railway and Canal Bills shall appoint from among themselves the Chairman of each Committee on a Railway or Canal Bill, or on a Group of such Bills, and may change the Chairman so appointed from time to time.

Appointment of Committees and Examiners of Petitions for Private Bills.

Committees on Railway and Canal Bills.

7.

The Committee on every opposed Railway and Canal Bill, or Group of Railway and Canal Bills, shall be composed of Five Members not locally or otherwise interested in the Bill or Bills referred to them; the Chairman to be appointed by the General Committee on Railway and Canal Bills, and Four other Members by the Committee of Selection. (*See* also No. 86.)

Committees on Opposed Private Bills.

8.

The Committee on every opposed Private Bill (not being a Railway, Canal or Divorce Bill), or Group of Bills, shall be composed of a Chairman and Four Members not locally or otherwise interested in the Bill or Bills referred to them, to be appointed by the Committee of Selection.

Committees on Unopposed Private Bills.

9.

The Committee on every unopposed Private Bill (not being a Railway, Canal or Divorce Bill), shall, if the same shall have originated in this House, be composed of the Chairman of the Committee of Ways and Means, who shall be *ex-officio* Chairman of every such Committee, together with one of the Members ordered to prepare and bring in the Bill, and one other Member not locally or otherwise interested therein, such Members to be appointed by the Committee of Selection, and shall, if such Bill shall have been brought from the House of Lords, be composed of the Chairman, as aforesaid, and Two other Members, to be appointed by the Committee of Selection, of whom one at least shall not be locally or otherwise interested in the Bill; and the Chairman and one other Member of such Committee shall be the quorum thereof.

Committee on Divorce Bills.

10.

There shall be a Committee, to be designated "THE SELECT COMMITTEE ON DIVORCE BILLS," to consist of *Nine* Members, who shall be nominated at the commencement of every Session, of whom *Three* shall be a Quorum.

Members not to be added to Committees, except by special Order.

11.

After any Committee on a Private Bill shall have met, no Members shall be added thereto, unless by special Order of The House.

7

After the word "every" in line 1, the word "opposed" is inserted.

2.

II.

THE TWO CLASSES OF PRIVATE BILLS.

The Two Classes of Private Bills.

II.

THE TWO CLASSES OF PRIVATE BILLS.

12.

Private Bills divided into Two Classes.

For the purposes of the Standing Orders of this House, all Private Bills to which the Standing Orders are applicable shall be divided into the Two following Classes, according to the subjects to which they respectively relate:—

1st Class.

1st Class.—Burial Ground, Making, Maintaining or Altering.
Charters and Corporations, enlarging or altering Powers of.
Church or Chapel, Building, Enlarging, Repairing or Maintaining.
City or Town, Paving, Lighting, Watching, Cleansing or Improving.
Company, Incorporating or giving Powers to.
County Rate.
County or Shire Hall, Court House.
Crown, Church, or Corporation Property, or Property held in Trust for Public or Charitable Purposes.
Ferry.
Fishery, Making, Maintaining or Improving.
Gaol or House of Correction.
Land, Inclosing, Draining or Improving.
Letters Patent, Confirming, Prolonging or Transferring the Term of.
Local Court, Constituting.
Market or Market-place, Erecting, Improving, Repairing, Maintaining, or Regulating.
Police.
Poor, Maintaining or Employing.
Poor Rate.
Powers to sue and be sued, Conferring.
Stipendiary Magistrate, or any Public Officer, Payment of.

And

Continuing or amending an Act passed for any of the purposes included in this or the Second Class, where no further work than such as was authorized by a former Act is proposed to be made.

2d Class.

2d Class.—Making, Maintaining, Varying, Extending or Enlarging any

Aqueduct.
Archway.
Bridge.
Canal.
Cut.
Dock.
Drainage—making and maintaining any Cut for Drainage, being a new Work, where it is not provided in the Bill that the same shall not be more than Eleven feet width at the bottom.
Embankment for reclaiming Land from the Sea or any Tidal River.
Ferry, where any work is to be executed.
Harbour.
Navigation.
Pier.
Port.
Railway.
Reservoir.
Sewer.
Street.
Tunnel.
Turnpike or other Public Carriage Road.
Waterwork.

3.

III.
Standing Orders, compliance with which is to be proved before the Examiners of Petitions for Private Bills.

III.

STANDING ORDERS, COMPLIANCE WITH WHICH IS TO BE PROVED BEFORE THE EXAMINERS OF PETITIONS FOR PRIVATE BILLS.

Standing Orders, compliance with which is to be proved before Examiners.

III.

STANDING ORDERS, COMPLIANCE WITH WHICH IS TO BE PROVED BEFORE THE EXAMINERS OF PETITIONS FOR PRIVATE BILLS; viz.

1. *Notices by Advertisement* - - - - - - - - - *p.* 13

2. *Notices and Applications to Owners, Lessees and Occupiers of Lands and Houses* - - - - - - - - - - - - *p.* 15

3. *Documents required to be deposited, and the Times and Places of Deposit* - - - - - - - - - - - - *p.* 16

4. *Form in which Plans, Books of Reference, Sections and Cross Sections shall be prepared* - - - - - - - - - - - *p.* 20

5. *Estimates and Subscription Contracts, or Declarations in lieu of Subscription Contracts, and Deposit of Money in certain cases* - - *p.* 23

13.

Compliance with the following Standing Orders shall be proved before one of the Examiners of Petitions for Private Bills; —*viz.*

1. *Notices by Advertisement.*

14.

In all cases where application is intended to be made for leave to bring in a Bill relating to any of the subjects included in either of the Two Classes of Private Bills, Notices shall be given stating the objects of such intended application, and the time at which copies of the Bill will be deposited in the Private Bill Office; and if it be intended to apply for powers for the compulsory purchase of Lands or Houses, or for extending the time granted by any former Act for that purpose, or to amalgamate with any other Company, or to sell or lease the Undertaking, or to purchase or take on lease the Undertaking of any other Company, or to amend or repeal any former Act or Acts, or to levy any Tolls, Rates or Duties, or to alter any existing Tolls, Rates or Duties, or to confer, vary or extinguish any exemptions from payment of Tolls, Rates or Duties, or to confer, vary or extinguish any other rights or privileges, the Notices shall specify such intention; and the whole of the Notice relating to the same Bill shall be included in the same Advertisement, which shall be headed by a short title, descriptive of the Undertaking or Bill.

Notices to state objects of application, when Bills will be deposited in Private Bill Office, and intention to seek for powers to purchase Lands, or to amalgamate, &c. or to levy or alter Tolls, to be stated.

15.

In cases of Bills included in the Second Class, and of Bills of the First Class, in respect to which Plans are required to be deposited, such Notices shall also contain a description of all the Termini, together with the Names of the Parishes, Townships, Townlands and extra-parochial places from, in, through or into which the Work is intended to be made, maintained, varied, extended or enlarged, and shall state the time and place of deposit of the Plans, Sections, Books of Reference and Copies of the Gazette Notice respectively, with the Clerks of the Peace, Sheriff Clerks, Parish Clerks, Schoolmasters, Session Clerks, Town Clerks and Clerks of Unions, as the case may be. (*See* Nos. 28, 34 & 35.)

In Second Class Bills, Notices to contain Names of Parishes, &c.

Standing Orders, compliance with which is to be proved before Examiners.

16.

In cases of Bills respecting any Burial Ground, Cemetery or Gas Works, the Notices shall set forth and specify the limits within which such Burial Ground, Cemetery or Gas Works are intended to be erected or made.

Notices to specify limits of Burial Ground or Gas Works.

Cuts, Canals, Navigations, &c.

17.

In all cases where it is proposed to divert into any intended Cut, Canal, Reservoir, Aqueduct or Navigation, or into any intended variation, extension or enlargement thereof respectively, any Water from any existing Cut, Canal, Reservoir, Aqueduct or Navigation, whether directly or derivatively, and whether under any agreement with the Proprietors thereof or otherwise, the Notices shall contain the name of every such existing Cut, Canal, Reservoir, Aqueduct or Navigation, the Waters supplying which will either directly or derivatively flow or proceed into any such intended Cut, Canal, Reservoir, Aqueduct or Navigation, or into any intended variation, extension or enlargement thereof.

When it is intended to divert Water from an existing Cut, &c.

Letters Patent.

18.

In cases of Bills for confirming or prolonging the terms of Letters Patent, each Notice shall have prefixed to it in Capital Letters the name by which the Invention is usually distinguished, and shall contain a distinct description of the Invention for which such Letters Patent have been obtained, and also an account of the Term of their Duration.

Name of Invention to be prefixed in Capitals to Notice.

19.

Publication of Notices in Gazettes and Newspapers.

In the months of *October* and *November*, or either of them, immediately preceding the Application for a Bill, such Notices shall be published *once* in the *London*, *Edinburgh* or *Dublin Gazette*, as the case may be, and in Three successive Weeks in some one and the same Newspaper of the County in which the City, County of a City, Town, County of a Town, or Lands to which such Bill relates shall be situate; or if there be no Newspaper published therein, then in the Newspaper of some County adjoining or near thereto; and if such Bill relate specially to any particular City, County of a City, Town or County of a Town, in which any Newspaper is published, such Notices shall be published in Three successive Weeks, in one and the same Newspaper published therein; or if such Bill do not relate to any particular City, County of a City, Town, County of a Town or Lands, such Notices shall be published once in the *London*, *Edinburgh* or *Dublin Gazette* only, as the case may be; and if such Bill relate to Lands situate in more than one County, such Notices shall be inserted once in each of Three successive Weeks, in some Newspaper or Newspapers which shall be published in *London* at least Six Days in the Week, or in *Edinburgh* or *Dublin* at least Two Days in the Week, as the case may be, and in a Newspaper of the County in which the principal Office of the Company or Companies or other parties who are the Promoters of any such Bill, shall be situate, and in a Newspaper of every County in which any new Works are proposed to be constructed, or in which any lands are situate in respect of which any new or further powers for the completion of Works already authorized are intended to be applied for.

Standing Orders, compliance with which is to be proved before Examiners.

2. *Notices and Applications to Owners, Lessees and Occupiers of Lands and Houses.*

20.

Application to Owners, &c. on or before 15th December.

On or before the 15th day of *December* immediately preceding the application for a Bill by which any Lands or Houses are intended to be taken, or an extension of the time granted by any former Act for that purpose is sought, application in writing shall be made to the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of all lands and houses so intended to be taken, or which may be taken as being within the limits of deviation defined upon the Plan; and in cases of Bills included in the second class, such application shall be, as nearly as may be, in the form set forth in the Appendix marked (A.)

21.

How Application to be made.

Such application shall be made by delivering the same personally to every such party, or by leaving the same at his usual place of abode, or, in his absence from the United Kingdom, with his agent, on or before the 15th day of *December*, or by forwarding the same by post in a registered letter, addressed with a sufficient direction to his usual place of abode, and posted on or before the 12th day of *December*, at the chief Post Office in *London*, *Manchester*, *Liverpool*, *Birmingham*, *Leeds*, *Newcastle-upon-Tyne*, *Norwich*, *Lincoln*, *Shrewsbury*, *Bristol*, *Exeter*, *Edinburgh*, *Glasgow*, *Aberdeen*, *Inverness*, *Dublin*, *Belfast*, *Cork* or *Athlone*, at such hours and according to such regulations as the Postmaster General shall from time to time appoint, for the posting and registration of such letters.

22.

Written acknowledgment of Party applied to, and, in case of Application or Notice by post, Post Office Receipt, sufficient evidence.

In all cases the written acknowledgment of the party applied to shall, in the absence of other proof, be sufficient evidence of an application having been made, or notice given; and in case of an application or notice having been forwarded by post, in a registered letter, the production of the Post Office receipt for such letter, duly stamped, in such form as the Postmaster General shall have appointed, shall be sufficient evidence of the due delivery of such letter; Provided it shall appear that the same was properly and sufficiently directed, and that the same was not returned by the Post Office as undelivered.

23.

Lists of Owners, &c. assenting, dissenting and neuter.

Separate Lists shall be made of the Names of such Owners, Lessees and Occupiers, distinguishing those who have assented, dissented or are neuter in respect to such application, or who have returned no answer thereto; and where no written acknowledgment has been returned to an application forwarded by post, or where such application has been returned as undelivered at any time before the making up of such lists, the direction of the letter in which the same was so forwarded shall be inserted therein. (*See* Order 38, directing the deposit of the said Lists in the Private Bill Office.)

Standing Orders, compliance with which is to be proved before Examiners.

24.

Crown, &c. Property.

Notice to Owners, &c.

Before the deposit of a Petition for leave to bring in a Bill relating to Crown, Church or Corporation Property, or Property held in Trust for Public or Charitable Purposes, or before the First Reading of any such Bill brought from the House of Lords, Notice in writing of such Application to Parliament shall be served upon the Owners or reputed Owners of such Property, and the Lessees or reputed Lessees of such Property, holding Leases granted for a life or lives, or for any term of Twenty-one Years or upwards.

Burial Grounds and Gas Works.

Notice to Owners and Occupiers of Houses.

25.

On or before the *Fifteenth* day of *December* immediately preceding the Application for any Bill for making a Burial Ground or Cemetery, or the erection of Works for the manufacture of Gas, Notice shall be served upon the Owner and Occupier of every Dwelling House situated within 300 Yards of the limits within which the proposed Burial Ground, Cemetery or Gas Works are intended to be erected or made.

Relinquishment of Works.

Notice to Owners, &c., when the Bill is to abridge any Public Works.

26.

Previously to the deposit of a Petition for leave to bring in a Bill whereby any part of a Work authorized by any former Act is intended to be relinquished, Notices in writing of such Bill shall be served upon the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands in which the part of the said Work intended to be thereby relinquished is situate; and the Notices required by this Order and the Orders 24 and 25 shall be served, and the service thereof proved, in the same manner as Applications under Standing Orders, Nos. 21 and 22.

Time for serving Notices and Applications.

27.

No Notice served or Application made on a Sunday or Christmas Day, or before Eight o'clock in the forenoon, or after Eight o'clock in the afternoon of any day, shall be deemed valid, except in the case of delivery of letters by post.

3. *Documents required to be deposited, and the Times and Places of Deposit.*

Deposits on or before the 30th November.

28.

Plans and Books of Reference, and Sections, with Clerk of the Peace.

In cases of Bills of the Second Class, a Plan and also a Duplicate thereof, together with a Book of Reference thereto, and a Section and also a Duplicate thereof, as hereinafter described; and in cases of Bills of the First Class, by which any lands or houses are intended to be taken, a Plan and Duplicate thereof, together with a Book of Reference, shall be deposited for public inspection at the office of the Clerk of the Peace for every County, Riding or Division in *England* or *Ireland*, or in the Office of the Principal Sheriff Clerk of every County in *Scotland*, and where any county in *Scotland* is divided into districts or divisions, then in the office of the Principal Sheriff Clerk in or for each district or division in or through which the Work is proposed

26.

After "Notices," in line 7, insert the words "required by this Order and the Orders 24 and 25."

posed to be made, maintained, varied, extended or enlarged, or in which such lands or houses are situate, on or before the 30th day of *November* immediately preceding the Application for the Bill.

Standing Orders, compliance with which is to be proved before Examiners.

29.

The Clerks of the Peace or Sheriff Clerks, or their respective Deputies, shall make a Memorial in writing upon the Plans, Sections and Books of Reference so deposited with them, denoting the time at which the same were lodged in their respective offices, and shall at all seasonable hours of the day permit any person to view and examine one of the same, and to make copies or extracts therefrom; and *one* of the two Plans and Sections so deposited, shall be sealed up and retained in the possession of the Clerk of the Peace or Sheriff Clerk until called for by order of one of the Two Houses of Parliament. (*See* Appendix, Act 1 Vict. c. 83.)

Clerks of Peace to indorse a Memorial on Plans, &c.

30.

Tidal Lands.

In cases where the work shall be situate on Tidal Lands within the ordinary Spring Tides, a copy of the Plans and Sections shall, on or before the 30th day of *November*, be deposited at the Office of the Board of Admiralty.

Plans, &c., in certain cases to be deposited at Admiralty.

31.

Railways.

In the case of Railway Bills, a published Map, to a scale of not less than half an inch to a mile, (or in Ireland, to a scale of not less than a quarter of an inch to a mile,) with the line of Railway delineated thereon, so as to show its general course and direction, shall, on or before the 30th day of November, be deposited at the Office of the Clerk of the Peace, or Sheriff Clerk, together with the Plans, Sections and Book of Reference.

Published Map to be deposited with Clerk of Peace, &c.

32.

In the case of Railway Bills, a Copy of all Plans, Sections, and Books of Reference, required by the Orders of the House to be deposited in the Office of any Clerk of the Peace or Sheriff Clerk, on or before the 30th day of November immediately preceding the application for the Bill, together with the said published Map, with the Line of Railway delineated thereon, so as to show its general course and direction, shall on or before the same day be deposited in the Office of the Board of Trade.

Plans, &c. at the Office of the Board of Trade.

33.

On or before the 30th day of *November*, a copy of the said Plans, Sections and Books of Reference, and in the case of Railway Bills, also a copy of the said published Map, with the line of Railway delineated thereon, shall be deposited in the Private Bill Office of this House.

Deposit of Plans, &c. in Private Bill Office.

34.

On or before the 30th day of *November*, a copy of so much of the said Plans and Sections as relates to each Parish in or through which the Work is intended to be made, maintained, varied, extended

Parish Plan, Section and Book of Reference, with Parish Clerk, &c.

Standing Orders, compliance with which is to be proved before Examiners.

tended or enlarged, or in which any lands or houses, intended to be taken, are situate (*see* Fig. 5.), together with a copy of so much of the Book of Reference as relates to such Parish, shall be deposited with the Parish Clerk of each such Parish in *England*, or, in the case of any Extra-parochial Place, with the Parish Clerk of some Parish immediately adjoining thereto, with the Schoolmaster of each such Parish in *Scotland*, or if there be no Schoolmaster of any such Parish, then with the Session Clerk, or in Royal Burghs with the Town Clerk, and with the Clerk of the Union within which such Parish is included in *Ireland*. (*See* Appendix, Act 1 Vict. c. 83.)

35.

Gazette Notice to be deposited with Plans, &c. with Clerks of Peace, Parish Clerks, &c.

Wherever any Plans, Sections and Books of Reference, or parts thereof, are required to be deposited, a Copy of the Notice published in the *Gazette* of the intended application to Parliament shall be deposited therewith.

Deposits on or before the 23d December.

36.

Petition for Bill, &c., to be deposited in Private Bill Office.

Every Petition for a Private Bill, headed by a short Title descriptive of the Undertaking or Bill, corresponding with that at the head of the Advertisement, with a Declaration, signed by the Agent, and a printed copy of the Bill annexed, shall be deposited in the Private Bill Office on or before the 23d day of December; and such Petition, Bill and Declaration shall be open to the inspection of all parties; and printed copies of the Bill shall also be delivered therewith for the use of any Member of The House or Agent who may apply for the same.

37.

Declaration of Agent as to Class of Bill, and Powers thereof, to be annexed to Petition.

Such Declaration shall state to which of the two Classes of Bills such Bill in the judgment of the Agent belongs; and if the proposed Bill shall give power to effect any of the following objects; that is to say:—

Power to take any lands or houses compulsorily, or to extend the time granted by any former Act for that purpose:

Power to levy tolls, rates or duties, or to alter any existing tolls, rates or duties; or to confer, vary or extinguish any exemption from payment of tolls, rates or duties, or to confer, vary or extinguish any other right or privilege:

Power to amalgamate with any other Company, or to sell or lease their Undertaking, or to purchase or take on lease the Undertaking of any other Company:

Power to interfere with any Crown, Church or Corporation property, or property held in trust for public or charitable purposes:

Power

36.

"23d" inserted instead of "31st."

41.

"31st" omitted, "23d" inserted.

38.

The words "Copies of Subscription Contracts and" have been omitted.

Standing Orders, compliance with which is to be proved before Examiners.

Power to relinquish any part of a work authorized by a former Act:

Power to divert into any intended cut, canal, reservoir, aqueduct or navigation, or into any intended variation, extension or enlargement thereof respectively, any water from any existing cut, canal, reservoir, aqueduct or navigation, whether directly or derivatively, and whether under any agreement with the proprietors thereof, or otherwise:

Power to make, vary, extend or enlarge any cut, canal, reservoir, aqueduct or navigation:

Power to make, vary, extend or enlarge any Railway:

The said Declaration shall state which of such powers are given by the Bill, and shall indicate in which clauses of the Bill (referring to them by their number) such powers are given, and shall further state that the Bill does not give power to effect any of the objects enumerated in this Order, other than those stated in the Declaration.

If the proposed Bill shall not give power to effect any of the objects enumerated in the preceding Order, the said Declaration shall state that the Bill does not give power to effect any of such objects.

The said Declaration shall also state that the Bill does not give any powers, other than those included in the Notices for the Bill.

Deposits on or before the 31*st December.*

41.

Copy of Railway, &c. Bills to be deposited at Board of Trade, and of Navigation, &c. Bills with Admiralty, &c., and of Turnpike Bills with the Secretary of State.

On or before the 23d day of *December*, a printed Copy of every Railway and Canal Bill, and of every Bill for incorporating or giving powers to any Company, shall be deposited in the Office of the Board of Trade, a printed copy of every Bill relating to any Dock, Harbour, Navigation, Pier or Port shall be deposited in the Office of the Board of Admiralty and in the Office of the Board of Trade, and a printed copy of every Bill relating to Turnpike Roads at the Office of the Secretary of State for the Home Department.

38.

Other Documents required to be deposited in Private Bill Office.

On or before the 31st day of December there shall be also deposited in the Private Bill Office all Estimates, Declarations, and Lists of Owners, Lessees and Occupiers, which are required by the Standing Orders of the House.

Standing Orders, compliance with which is to be proved before Examiners.

39.

As respects all Bills for the incorporation of Joint Stock Companies, or proposed Companies for carrying on any Trade or Business, or for conferring upon such Companies the power of suing and being sued, there shall be deposited in the Private Bill Office, on or before 31st December, a copy of the Deed or Agreement of Partnership (if any) under which the Company or proposed Company is acting, and in all cases a Declaration stating the following matters:—

Documents to be deposited in Private Bill Office in regard to Joint Stock Companies Bills.

1st.—The present and proposed amount of the Capital of the Company.

2d.—The number of Shares, and the amount of each Share.

3d.—The number of Shares subscribed for.

4th.—The amount of Subscriptions paid up.

5th.—The names, residences and descriptions of the Shareholders or Subscribers (so far as the same can be made out), and of the actual or provisional Directors, Treasurers, Secretaries or other officer, if any.

And such documents shall be verified by the signature of some authorized officer of the Company or proposed Company (if any), and by some responsible party promoting the Bill; and copies of such Declarations shall be printed at the expense of the Promoters of the Bill, and delivered at the Vote Office for the use of the Members of the House, and at the Private Bill Office for the use of any Agent who may apply for the same.

40.

Copies of Estimate, Declaration, &c., to be printed, and delivered in Vote Office and Private Bill Office.

On or before 31st December, copies of the Estimate of Expense of the Undertaking; and where a Declaration alone, or Declaration and Estimate of the probable amount of Rates and Duties, are required, copies of such Declaration, or of such Declaration and Estimate, shall be printed at the expense of the Promoters of the Bill, and delivered at the Vote Office for the use of the Members of The House, and at the Private Bill Office for the use of any Agent who may apply for the same.

42.

Deposit not valid on Sunday, &c.

No Deposit shall be deemed valid if made on a Sunday or Christmas Day, or before Eight o'clock in the forenoon, or after Eight o'clock in the afternoon of any day.

4. Form in which Plans, Books of Reference, Sections and Cross-Sections shall be prepared.

43.

Plans.

Description of Plans.

Every Plan required to be deposited shall be drawn to a scale of not less than *Four* inches to a Mile, and in the case of Bills of the First Class, shall describe the lands intended to be taken, and in the case of Bills of the Second Class, shall describe the line or situation of the whole of the Work (no alternative line or Work being in any case permitted), and the lands in or through which it is to be made, maintained,

39.

The following words have been omitted "(such Bills being Bills of the First Class);" and the words "together with the Petition for the Bill," and the words "on or before 31st December" inserted; also in line 8 the words "or of the Subscription Contract (if any)"; and in line 9 the words "in writing" have been omitted; and the following words have been added at the end of the Order, "and copies of such Declarations shall be printed at the expense of the Promoters of the Bill, and delivered at the Vote Office for the use of the Members of the House, and at the Private Bill Office for the use of any Agent who may apply for the same."

40.

In line 1 the following words have been omitted, "Previously to the deposit of a Petition for a Bill," and the words "on or before 31st December" inserted; and the words "under such Bill and of the Subscription Contract, if any, with the names of the Subscribers, arranged in alphabetical order, and the amount of the deposits respectively paid up by each such Subscriber, and the total amount of such subscriptions, and of the sums so paid up or," omitted, the word "and" inserted; the words "substituted for a Subscription Contract," omitted, and the word "required" inserted.

Standing Orders, compliance with which is to be proved before Examiners.

tained, varied, extended or enlarged, or through which every communication to or from the Work shall be made; and where it is the intention of the Parties to apply for powers to make any lateral deviation from the line of the proposed Work, the limits of such deviation shall be defined upon the Plan, and all Lands included within such limits shall be marked thereon; and unless the whole of such Plan shall be upon a scale of not less than a *quarter* of an *inch* to every 100 feet, an enlarged Plan shall be added of any Building, Yard, Court-Yard or Land within the curtilage of any Building, or of any Ground cultivated as a Garden, either in the line of the proposed Work, or included within the limits of the said deviation, upon a scale of not less than a *quarter* of an *inch* to every 100 feet. (*See* Fig. 3.)

Lands within Deviation to be on Plan.

Buildings, &c. on enlarged Scale.

44.

Plan to describe Brooks, &c. to be diverted.

In all cases where it is proposed to make, vary, extend or enlarge any Cut, Canal, Reservoir, Aqueduct or Navigation, the Plan shall describe the Brooks and Streams to be directly diverted into such intended Cut, Canal, Reservoir, Aqueduct or Navigation, or into any variation, extension or enlargement thereof respectively, for supplying the same with Water.

45.

Distances to be marked in Miles and Furlongs, and memorandum of Curves and Tunnelling.

In all cases where it is proposed to make, vary, extend, or enlarge any Railway, the Plan shall exhibit thereon the distances in miles and furlongs, from one of the termini; and a memorandum of the radius of every curve not exceeding One Mile in length shall be noted on the Plan in furlongs and chains; and where tunnelling as a substitute for open cutting is intended, such tunnelling shall be marked by a dotted line on the Plan.

46.

Diversion and widening or narrowing of Roads, &c. to be shown.

If it be intended to divert, widen or narrow any Turnpike Road, Public Carriage Road, Navigable River, Canal or Railway, the course of such diversion, and the extent of such widening or narrowing, shall be marked upon the Plan.

47.

Book of Reference.

Contents of Book of Reference.

The Book of Reference to every such Plan shall contain the names of the Owners or Reputed Owners, Lessees or Reputed Lessees, and Occupiers of all Lands and Houses in the Line of the proposed Work, or within the limits of deviation as defined upon the Plan, and shall describe such Lands and Houses respectively.

Sections.

48.

Section to be drawn to a scale of not less than one inch to every 100 feet.

The Section shall be drawn to the same horizontal scale as the Plan, and to a vertical scale of not less than *one inch* to every 100 feet, and shall show the surface of the ground marked on the Plan, the intended level of the proposed Work, the

Standing Orders, compliance with which is to be proved before Examiners.

height of every Embankment and the depth of every Cutting, and a datum horizontal line, which shall be the same throughout the whole length of the Work, or any Branch thereof respectively, and shall be referred to some fixed point (stated in writing on the section), near some portion of such Work, and in the case of a Canal, Cut, Navigation, Turnpike or other Carriage-road or Railway, near either of the Termini. (*See* line D. D., Fig. 2.)

49.

Section to specify level of both banks.

In cases of Bills for improving the Navigation of any River, there shall be a Section which shall specify the Levels of both Banks of such River; and where any alteration is intended to be made therein, it shall describe the same by Feet and Inches, or decimal parts of a foot.

50.

Line of Railway on Section to correspond with upper surface of Rails.

In every Section of a Railway, the Line of the Railway marked thereon shall correspond with the upper surface of the rails. (*See* line S. S. Fig. 2.)

51.

Vertical measures to be marked at change of gradient.

Distances on the Datum Line shall be marked in miles and furlongs, to correspond with those on the Plan; a vertical measure from the Datum Line to the Line of the Railway shall be marked in feet and inches, or decimal parts of a foot, at each change of the gradient or inclination; and the proportion or rate of inclination between each such change shall also be marked.

52.

Height of Railway over, or depth under surface of Roads, &c. to be marked, and Bridges and Level Crossings.

Wherever the line of the Railway is intended to cross any turnpike-road, public carriage-road, navigable River, Canal or Railway, the height of the Railway over or depth under the surface thereof, and the height and span of every Arch of all Bridges and Viaducts, by which the Railway will be carried over the same, shall be marked in figures at every crossing thereof; and where the Railway will be carried across any such turnpike-road, public carriage-road or Railway, on the level thereof, such crossing shall be so described on the Section; and it shall also be stated if such level will be unaltered.

53.

Cross Sections of Canals, Roads, &c. crossed by the Railway when level or rate of inclination altered.

If any alteration be intended in the water level of any Canal, or in the level or rate of inclination of any turnpike-road, public carriage-road, or Railway, which will be crossed by the line of Railway, then the same shall be stated on the said Section, and each alteration shall be numbered; and Cross Sections, in reference to the said numbers, on a horizontal scale of not less than one inch to every 330 feet, and on a vertical scale of not less than one inch to every 40 feet, shall be added, which shall show the present surface of such Canal, Road or Railway, and the intended surface thereof when altered; and the greatest of the present and intended rates of inclination of such Road or Railway shall also be marked in figures thereon; and where any public carriage-road is crossed on the level, a Cross

Section

56.

The words "and a Subscription shall be entered into under a Contract made as hereinafter described to three-fourths the amount of such Estimate" omitted, and the words "Subscription Contract" omitted.

63.

The words "Excepting" and "(for which *see* Order 64)," and "One-twentieth part of the Amount required to be subscribed (*see* No. 56)," have been omitted, and the words "£.8 per centum on the Amount of the Estimate of Expense, and in the case of all other Bills a sum not less than £.4 per centum of the Amount of such Estimate," have been added.

[This Order is to be inserted, as amended, after Order 56.]

57.

This Order is omitted.

58.

This Order is omitted.

59.

This Order is omitted.

60.

This Order is omitted.

Section of such road shall also be added; and all such Cross Sections shall extend for 200 yards on each side of the centre line of the Railway. (*See* Fig. 4.)

Standing Orders, compliance with which is to be proved before Examiners.

54.

Wherever the extreme height of any embankment, or the extreme depth of any cutting shall exceed Five Feet, the extreme height over or depth under the surface of the ground shall be marked in figures upon the Section; and if any Bridge or Viaduct of more than three arches shall intervene in any Embankment, or if any Tunnel shall intervene in any Cutting, the extreme height or depth shall be marked in figures on each of the parts into which such Embankment or Cutting shall be divided by such Bridge, Viaduct or Tunnel.

Embankments and Cuttings.

55.

Where tunnelling, as a substitute for open cutting, or a viaduct as a substitute for solid embankment, is intended, the same shall be marked on the Section.

Tunnelling and Viaduct to be marked.

5. Estimates and Deposit of Money, and Declarations in certain cases.

56.

An Estimate of the Expense of the Undertaking under each Bill of the Second Class shall be made and signed by the person making the same. (*See* as to depositing Estimate in Private Bill Office, No. 38.)

Estimate in Bills of the Second Class.

63.

In the case of a Railway Bill a sum not less than 8 per cent. on the amount of the Estimate of expense, and in the case of all other Bills a sum not less than 4 per cent. on the amount of such Estimate shall, previously to the 15th day of January, be deposited with the Court of Chancery in *England*, if the Work is intended to be done in *England*, or with the Court of Chancery in *England*, or the Court of Exchequer in *Scotland*, if such Work is intended to be done in *Scotland*, and with the Court of Chancery in *Ireland*, if such Work is intended to be done in *Ireland*. (*See* Appendix C.)

Eight per cent. and 10 per cent. of Estimate to be deposited.

57.

58.

59.

60.

Standing Orders, compliance with which is to be proved before Examiners.

Cases wherein Declaration is deposited.

61.

Where the Work is to be made, wholly or in part, by means of Funds, or out of Money to be raised upon the credit of present Surplus Revenue, belonging to any Society or Company, or under the control of Directors, Trustees, or Commissioners, as the case may be, of any existing Public Work, such parties being the Promoters of the Bill, a Declaration stating those facts, and setting forth the nature of such control, and the nature and amount of such Funds or Surplus Revenue, and showing the actual Surplus of such Funds or Revenue, after deducting the Funds required for purposes authorized by any Act or Acts of Parliament, and also the Funds which may be required for any other Work to be executed under any Bill in the same Session, and given under the common seal of the Society or Company, or under the hand of some authorized Officer of such Directors, Trustees or Commissioners, may be deposited, and in such case no deposit of Money shall be required in respect of so much of the Estimate of Expense as shall be provided for by such surplus Funds. (*See* as to deposit of Declaration in Private Bill Office, No. 38.)

62.

Declaration and Estimate of Amount of Rates may be deposited.

In cases where the Work is to be made out of Money to be raised upon the Security of the Rates, Duties or Revenue to be created by or to arise under any Bill, under which no private or personal pecuniary profit or advantage is to be derived, a Declaration stating those facts, and setting forth the means by which Funds are to be obtained for executing the Work, and signed by the Party or Agent soliciting the Bill, together with an Estimate of the probable amount of such Rates, Duties or Revenue, signed by the Person making the same, may be deposited, and in such case no deposit of Money shall be required. (*See* as to deposit of Estimate and Declaration in Private Bill Office, No. 38.)

63.

64.

61.

The words "in lieu or in aid of the Subscription Contract, and in addition to the Estimate of the Expense, provided such Surplus Funds shall be not less than the whole amount of the Estimate or the portion thereof not provided for by a Subscription Contract," have been omitted, and the words, "and in such case no deposit of money shall be required in respect of so much of the Estimate of Expense as shall be provided for by such Surplus Funds" have been inserted; and the words "Subscription Contracts," have been omitted, and the word "Declaration" inserted, at the end of the Order.

62.

The words "substituted for the Subscription Contract and in addition to the Estimate of the Expense" have been omitted, and the words "deposited, and in such case no deposit of Money shall be required" inserted; and the words "Subscription Contract" have been omitted, and the word "Declaration" inserted at the end of the Order.

63.

This Order has been amended, and is inserted after Order 56.

64.

This Order is omitted.

4.

IV.

PROCEEDINGS OF EXAMINERS, OF CHAIRMAN OF COMMITTEE OF WAYS AND MEANS, AND OF COMMITTEES.

65

"25th" has been omitted, and "18th" inserted.

Proceedings of Examiners.

IV.

PROCEEDINGS OF EXAMINERS, OF CHAIRMAN OF COMMITTEE OF WAYS AND MEANS, AND OF COMMITTEES.

PROCEEDINGS OF THE EXAMINERS OF PETITIONS FOR PRIVATE BILLS.

65.

When Examination of Petitions to commence.

The Examination of the Petitions for Private Bills which shall have been duly deposited in the Private Bill Office, shall commence on the 18th day of January, in such order and according to such regulations as shall have been made by Mr. Speaker.

66.

Notice to be given by one of the Examiners of day appointed for Examination.

One of the Examiners shall give at least Seven clear Days' Notice in the Private Bill Office of the day appointed for the Examination of each Petition which shall have been duly deposited in the Private Bill Office; and in case the promoters shall not appear at the time when the Petition shall come on to be heard, the Examiner to whom the case shall have been allotted, shall strike the Petition off the General List of Petitions, and shall not re-insert the same, except by order of the House.

67.

Memorials complaining of non-compliance.

Any parties shall be entitled to appear and to be heard, by themselves, their agents and witnesses, upon a Memorial addressed to the Examiner, complaining of a non-compliance with the Standing Orders, provided the matter complained of be specifically stated in such Memorial, and the party (if any) who may be specially affected by the non-compliance with the Standing Orders have signed such Memorial and shall not have withdrawn his signature thereto, and such Memorial have been duly deposited in the Private Bill Office. (*See* Orders 173, 196.)

68.

Proof by Affidavit.

The Examiner may admit Affidavits in proof of the compliance with the Standing Orders of The House, unless in any case he shall require further evidence; and such Affidavit shall be sworn, if in England, before a Justice of the Peace; if in Scotland, before any Sheriff Depute or his Substitute; and if in Ireland, before any Judge or Assistant Barrister of that part of the United Kingdom.

69.

Examiner to indorse Petition, and when Standing Orders not complied with, to report.

The Examiner shall certify by indorsement on each Petition which shall have been duly deposited in the Private Bill Office, whether the Standing Orders have or have not been complied with; and, when they have not been complied with, he shall also report to the House the facts upon which his decision is founded, and any special circumstances connected with the case.

70.

To report in all cases of Petitions for additional provision in Private Bills, &c.

In all cases of Petitions for additional provision in Private Bills and of Estate Bills brought from the House of Lords, and of Bills introduced by leave of this House in lieu of other Bills which shall have been withdrawn, and referred to the Examiner, the Examiner shall give at least Two clear Days' notice, in the Private Bill Office, of the day on which the same will be examined; and he shall report to the House whether the Standing Orders have or have not been complied with; and, when they have not been complied with, the facts upon which his decision is founded, and any special circumstances connected with the case.

71.

Special Report in certain cases.

In case the Examiner shall feel doubts as to the due construction of any Standing Order in its application to a particular case, he shall make a Special Report of the facts to the House, without deciding whether the Standing Order has or has not been complied with; and in such case he shall indorse the Petition with the words "Special Report," either alone, or if non-compliances with other Standing Orders shall have been proved, in addition to the words "Standing Orders not complied with."

71 A.

This is a new Order.

Proceedings of Chairman of Ways and Means.

PROCEEDINGS OF, AND IN RELATION TO, THE CHAIRMAN OF THE COMMITTEE OF WAYS AND MEANS, AND THE COUNSEL TO MR. SPEAKER.

71 A.

Chairman of Ways and Means to confer with Chairman of Committees of House of Lords.

The Chairman of the Committee of Ways and Means shall, at the commencement of each Session, confer with the Chairman of Committees of the House of Lords for the purpose of determining into which House of Parliament the respective Private Bills should be first introduced, and such determination shall be reported to The House.

72.

Chairman of Ways and Means to examine all Private Bills, &c.

The Chairman of the Committee of Ways and Means, with the assistance of the Counsel to Mr. Speaker, shall examine all Private Bills, whether opposed or unopposed, and call the attention of The House, and also of the Chairman of the Committee on every opposed Private Bill, to all points which may appear to him to require it; and Copies of all such Bills shall be laid by the Agent before the said Chairman and Counsel not later than the day after the Examiner of Petitions shall have indorsed the Petition for the Bill.

73.

Copies of Bill as proposed to be submitted to Committee, to be laid before Chairman of Ways and Means, &c.

Three clear Days at least before the First Meeting of the Committee on any Private Bill, there shall be laid before the Chairman of the Committee of Ways and Means and the Counsel to Mr. Speaker, by the Agent, Copies of every such Bill as proposed to be submitted to the Committee, and such Copies shall be signed by the Agent for the Bill.

74.

Power to Chairman to report special circumstances, &c. to The House.

The Chairman of the Committee of Ways and Means shall be at liberty, at any period after any Private Bill shall have been referred to a Committee, to report to The House any special circumstances relative thereto which may appear to him to require it, or to inform The House that in his opinion any unopposed Private Bill should be treated as an opposed Private Bill.

75.

Copy of Bill as amended in Committee to be laid before Chairman of Ways and Means, &c.

Three clear Days at least before the consideration of any Private Bill ordered to lie upon the Table, a Copy of every such Bill, as amended in Committee, shall be laid by the Agent before the Chairman of the Committee of Ways and Means and the Counsel to Mr. Speaker, and deposited at the Office of the Board of Trade.

76.

On consideration of Report of Railway Bill, Chairman of Ways and Means to acquaint the House if Orders have been observed.

On or before the consideration of the Report of every Railway Bill, the Chairman of the Committee of Ways and Means shall inform The House, or signify in writing to Mr. Speaker, whether the Bill contain the several provisions required by the Standing Orders.

Proceedings of Chairman of Ways and Means.

77.

Clause or Amendment on consideration of Bill, or on Third Reading, to be submitted to Chairman of Ways and Means, &c.

When it is intended to bring up any Clause, or to propose any Amendment on the consideration of any Private Bill ordered to lie upon the Table, or any verbal amendment on the Third Reading of any Private Bill, the same shall be submitted by the Agent to the Chairman of the Committee of Ways and Means, and the Counsel to Mr. Speaker, on the day on which notice is given thereof in the Private Bill Office; and the said Chairman shall inform The House, or signify in writing to Mr. Speaker, whether such Clause or Amendment be such as ought or ought not to be entertained by The House, without referring the same to the Select Committee on Standing Orders.

78.

Copy of Amendments by House of Lords, and of proposed Amendments thereto, to be laid before Chairman of Ways and Means, &c.

A Copy of all Amendments made in The House of Lords to any Private Bill, and of all Amendments to such Amendments intended to be proposed in this House, shall be laid by the Agent before the Chairman of the Committee of Ways and Means and the Counsel to Mr. Speaker, before Two o'clock on the day previous to that on which the same are respectively appointed for consideration by The House.

Proceedings of Standing Orders Committee.

PROCEEDINGS OF THE SELECT COMMITTEE ON STANDING ORDERS.

79.

To report whether Standing Orders ought or ought not to be dispensed with.

When any Report of the Examiner of Petitions for Private Bills, in which he shall report that the Standing Orders have not been complied with, shall have been referred to the Select Committee on Standing Orders, and after the Petition for the Bill shall have been duly presented, they shall report to The House whether such Standing Orders ought or ought not to be dispensed with, and whether in their opinion the parties should be permitted to proceed with their Bill, or any portion thereof, and under what (if any) conditions.

80.

Proceeding in case of Special Report.

When any Special Report from the Examiner of Petitions as to the construction of a Standing Order shall have been referred to the Select Committee on Standing Orders, they shall determine, according to their construction of the Standing Order, and on the facts stated in such Report, whether the Standing Orders have or have not been complied with, and they shall then either report to the House that the Standing Orders have been complied with, or shall proceed to consider the question of dispensing with the Standing Orders, as the case may be.

81.

To report whether Sessional or Standing Orders ought or ought not to be dispensed with.

When any Petition praying that any of the Sessional or Standing Orders of The House relating to Private Bills may be dispensed with, shall stand referred to the Select Committee on Standing Orders, they shall report to The House whether such Sessional or Standing Orders ought or ought not to be dispensed with.

82.

To report whether Petition ought or ought not to be re-inserted in the General List.

When any Petition for the re-insertion of any Petition for a Private Bill in the General List of Petitions shall stand referred to the Select Committee on Standing Orders, they shall report to the House whether in their opinion such Petition ought or ought not to be re-inserted, and, if re-inserted, under what (if any) conditions.

83.

To report whether Clause or Amendment on consideration of Bill should be adopted by House or not, or whether Bill should be re-committed.

When any Clause or Amendment proposed on the consideration of any Private Bill ordered to lie upon the Table shall have been referred to the Select Committee on Standing Orders, they shall report to The House whether such Clause or Amendment should be adopted by The House or not, or whether the Bill should be re-committed.

95.

This Order is to follow Order 86, and has been amended by inserting the words, "In the case of all Private Bills other than Railway and Canal Bills, and the General Committee on Railway and Canal Bills in the case of such Bills."

Proceedings of Committee of Selection, &c.

PROCEEDINGS OF THE COMMITTEE OF SELECTION, AND OF THE GENERAL COMMITTEE ON RAILWAY AND CANAL BILLS.

84.

Printed copies of all Private Bills, not being Railway or Canal Bills, shall be laid before the Committee of Selection, and Printed Copies of all Railway and Canal Bills before the General Committee on Railway and Canal Bills, by the parties promoting the same, at the first Meeting of the said Committees respectively.

Printed Copies of Bills to be laid before Committee of Selection and General Committee.

85.

The Committee of Selection may, if they think fit, form into Groups all Private Bills, not being Railway or Canal Bills, and the General Committee on Railway and Canal Bills may form into Groups all Railway and Canal Bills, which, in their opinion, it may be expedient to submit to the same Committee, and shall report the same to The House.

Committee of Selection and General Committee to group Private Bills.

86.

The General Committee on Railway and Canal Bills may, whenever they shall think fit, refer any unopposed Railway or Canal Bill to the Chairman of the Committee of Ways and Means and two other Members not locally or otherwise interested, to be nominated by the Committee of Selection.

Railway and Canal unopposed Bills.

95.

The Committee of Selection, in the case of all Private Bills other than Railway and Canal Bills, and the General Committee on Railway and Canal Bills in the case of such Bills, shall, subject to the order in regard to the interval between the Second Reading of every Private Bill and the Sitting of the Committee thereupon, fix the time for holding the *First Sitting* of every Committee on a Private Bill which shall have been referred either to the said Committee, or the General Committee on Railway and Canal Bills.

Committee of Selection and General Committee on Railway, &c. Bills, to appoint First Sitting of Committee.

87.

The Committee of Selection shall name the Bill or Bills which shall be taken into consideration on the first day of the meeting of the Committee on any Group of Bills not being Railway or Canal Bills; and the General Committee on Railway and Canal Bills shall name the Bill or Bills which shall be taken into consideration on the first day of the meeting of each Committee on any Group of such Bills.

Committee of Selection and General Committee to name Bill or Bills to be considered on the first day.

88.

The Committee of Selection shall consider no Bill as an opposed Private Bill, unless either previous to, or not later than Seven clear Days after, the Second Reading thereof, a Petition shall have been presented against it, in which the Petitioner or Petitioners shall have prayed to be heard, by themselves, their Counsel or Agents, or unless, where no such Petition shall have been presented, the Chairman of the Committee of Ways and Means shall have reported to The House that in his opinion any Bill ought to be so treated.

What Bills not to be considered opposed.

Proceedings of Committee of Selection,&c.

89.

The Committee of Selection shall refer every opposed Private Bill which shall have been referred to them, or any Group of such Bills, to a Chairman and Four Members, not locally or otherwise interested therein.

Constitution of Committees on opposed Private Bills.

90.

The Committee of Selection shall refer every unopposed Private Bill, which shall have been referred to them, not being a Road Bill, to the Chairman of the Committee of Ways and Means, together with one of the Members ordered to prepare and bring in the same, and one other Member not locally interested therein, if the Bill shall have originated in this House; and if the Bill shall have been brought from The House of Lords, to the Chairman of the Committee of Ways and Means, together with Two other Members, of whom one at least shall not be locally or otherwise interested therein.

Constitution of Committees on unopposed Private Bills.

90 A.

Committee of Selection to refer all Road Bills to a Committee.

The Committee of Selection shall refer all Road Bills, whether opposed or unopposed, to a Committee, consisting of a Chairman and Four other Members not locally or otherwise interested therein.

91.

Committee of Selection to give notice to Members.

The Committee of Selection shall give each Member not less than Seven Days' notice, by publication in the Votes or otherwise, of the week in which it will be necessary for him to be in attendance for the purpose of serving, if required, as a Member, not locally or otherwise interested, of a Committee on a Private Bill.

92.

Notice of Appointment and Declaration to be transmitted to Members.

The Committee of Selection shall give to each Member sufficient Notice of his appointment as a Member of a Committee on any Private Bill, or Group of such Bills, and, in every case where a declaration is required to be signed and returned by such Member, shall transmit to him a blank form of the Declaration required, with a request that it may forthwith be returned properly filled up and signed.

93.

Members returning no answer to be reported.

The Committee of Selection shall report to The House the name of every Member from whom they shall not have received in due time such Declaration, so filled up and signed, or, in lieu thereof, an excuse which they shall deem sufficient.

94.

Committee of Selection may substitute Members for others.

The Committee of Selection shall have the power of discharging any Member or Members of a Committee, and substituting other Members.

95.

96.

Committee of Selection to send for persons, &c.

The Committee of Selection shall have power, in the execution of their duties, to send for Persons, Papers and Records.

90.

In line 2, after "them," the words "not being a Road Bill," have been inserted.

90A.

This is a new Order.

91.

In line 2, "Fourteen" is omitted, and the word "Seven" has been inserted.

94.

The words "substituting at any time before the first meeting of a Committee another Member for any Member whom they shall deem it proper to excuse from serving on that Committee," have been omitted, and the words "discharging any Member or Members of a Committee, and substituting other Members," have been inserted.

95.

This Order has been amended, and placed after Order 86.

99.

This Order is omitted.

101.

At the end of the Order the words, "but in the case of Railway and Canal Bills, only until the General Committee on such Bills shall have appointed, if they shall so think fit, another Chairman," have been added.

[In pursuance of the Order of The House of 8th June 1857.]

Proceedings Committees on Opposed Bills.

PROCEEDINGS OF COMMITTEES ON OPPOSED BILLS.

97.

Declaration of Members.

Each Member of a Committee on an opposed Private Bill, or group of such Bills, shall, before he be entitled to attend and vote on such Committee, sign the following Declaration:

> I do hereby declare, That my constituents have no local interest, and that I have no personal interest, in such Bill; and that I will never vote on any question which may arise without having duly heard and attended to the Evidence relating thereto.

And no such Committee shall proceed to business until the said Declaration shall have been so signed by each of such Members.

98.

Quorum to be always present.

Committees shall be allowed to proceed if Three of the Five Members shall be present, but not with a less number, unless by special leave of the House.

99.

100.

Members not to absent themselves.

No Member of a Committee on an opposed Private Bill shall absent himself from his duties thereon, except in the case of sickness, or by order of The House.

101.

When Chairman absent.

If the Chairman shall be absent from the Committee, the Member next in rotation on the List of Members who shall be present shall act as Chairman, but in the case of Railway and Canal Bills only until the General Committee on such Bills shall have appointed, if they shall so think fit, another Chairman.

102.

Proceedings to be suspended if Quorum not present.

If at any time during the sitting of any Committee, *Three* at least of the Members shall not be present, the Chairman shall suspend the proceedings of such Committee until *Three* at least shall be present; and if at the expiration of *One Hour* from the time fixed for the meeting of the Committee, or from the time when the Chairman shall so have suspended the proceedings, *Three* Members shall not be present, the Committee shall be adjourned to the next day on which The House shall sit, and then shall meet at the hour on which such Committee would have sat, had no such adjournment taken place.

Proceedings of Committees on Opposed Bills.

103.

Members absent to be reported to The House.

If any of the Members shall not be present within One Hour after the time appointed for the meeting of the Committee, or if any Member shall absent himself from his duties on such Committee, every such Member shall be reported to The House at its next sitting.

104.

Absence of Quorum by Death or otherwise to be reported.

If at any time after the Committee on a Bill shall have been formed, a Quorum of Members required by the Standing Orders cannot attend in consequence of any of the Members who shall have duly qualified to serve on such Committee having become incompetent to continue such service by having been placed on an Election Committee, or by death or otherwise, the Chairman shall report the circumstances of the case to The House, in order that such measures may be taken by The House as shall enable the Members still remaining on the Committee to proceed with the business referred to such Committee, or as the exigency of the case may require.

105.

Questions to be decided by majority of voices.

All questions before Committees on Private Bills shall be decided by a majority of voices, including the voice of the Chairman; and whenever the voices are equal, the Chairman shall have a second or casting vote.

106.

Committee on Group to consider that Bill first which Committee of Selection or General Committee shall have named, and to appoint day for Consideration of remaining Bills, of which Clerk of Committee to give Notice.

The Committee on each Group of Bills shall take the Bill or Bills first into consideration which shall have been named by the Committee of Selection, or by the General Committee on Railway and Canal Bills (*see* No. 87); and the Committee shall, from time to time, appoint the day on which they will enter upon the consideration of each of the remaining Bills, and on which they will require the parties severally promoting or opposing the same to enter appearances; and Two clear Days' notice, at the least, of such appointment, shall be given by the Clerk attending the Committee to the Clerks in the Private Bill Office; and in case the Committee shall postpone the consideration of any Bill, the like notice shall be given of the day to which the same is postponed.

107.

Causes of Adjournment to be specially reported.

Every Committee on an opposed Private Bill shall report specially to the House the cause of any Adjournment over any day on which the House shall sit.

108.

Petition against Bill not to be considered except grounds of objection sufficiently specified.

No Petition against a Private Bill shall be taken into consideration by the Committee on such Bill, which shall not distinctly specify the ground on which the Petitioners object to any of the provisions thereof; and the Petitioners shall be only heard on such grounds so stated; and if it shall appear to the said Committee, that such grounds are not specified with sufficient accuracy, the Committee may direct that there be given in to the Committee a more specific Statement, in writing, but limited to such grounds of Objection so inaccurately specified.

106.

The word "sent" omitted, and "given" inserted.

Proceedings of Committees on Opposed Bills.

109.

No Petitioners against any Private Bill shall be heard before the Committee on the Bill, unless their Petition shall have been prepared and signed in strict conformity with the Rules and Orders of this House, and shall have been presented to this House by having been deposited in the Private Bill Office, either previous to, or not later than *Seven* clear *Days* after, the Second Reading of such Bill, except where the Petitioners shall complain of any matter which may have arisen during the progress of the Bill before the said Committee, or of any proposed additional provision, or of the Amendments as proposed in the filled-up Bill deposited in the Private Bill Office.

Petitioners against Bill not to be heard unless Petition presented not later than Seven clear Days after Second Reading, &c.

110.

It shall be competent to the Committee on any Private Bill to admit Petitioners to be heard upon their Petitions against such Bill, on the ground of competition, if they shall think fit.

Competition to be a ground of locus standi.

111.

Where a Bill is promoted by an Incorporated Company, Shareholders of such Company shall not be entitled to be heard before the Committee against such Bill, unless their interests, as affected thereby, shall be distinct from the general interests of such Company.

In what cases Shareholders to be heard.

112.

Where a Railway Bill contains provisions for taking or using any part of the Lands, Railway, Stations or Accommodations of another Company, or for running Engines or Carriages upon or across the same, or for granting other facilities, such Company shall be entitled to be heard upon their Petition against the Preamble and Clauses of such Bill.

In what cases Railway Companies to be heard.

113.

It shall be competent to the Committee on any Railway or Canal Bill to admit Petitioners, being the Municipal Authorities of any Town, or the Inhabitants of any Town or District alleged to be injuriously affected by a Bill, to be heard against such Bill, if they shall think fit.

Municipal authorities and Inhabitants of Towns, &c.

114.

In all cases of opposed Private Bills, in which no parties shall have appeared on the Petitions against such Bills, or having appeared shall have withdrawn their opposition before the evidence of the Promoters shall have been commenced, the Committees on such Bills shall forthwith refer them back, with a statement of the facts, if not Railway or Canal Bills, to the Committee of Selection, and if Railway and Canal Bills, to the General Committee on Railway and Canal Bills, who shall deal with them as unopposed Bills.

When opposed Bills may be treated as unopposed.

121.

This Order is omitted.

Proceedings of Committees on Bills.

Proceedings of, and in Relation to, Committees on Bills, whether Opposed or Unopposed.

115.

At the first Meeting of the Committee, Copies of the Bill, as proposed to be submitted to them, and signed by the Agent, shall be laid by him before each Member of the Committee.

Filled-up Copies of Bill to be laid before each Member.

116.

No Member, locally or otherwise interested, of a Committee on any unopposed Private Bill, shall have a Vote on any question that may arise, but every such Member shall be entitled to attend and take part in the proceedings of the Committee.

Local Member not to vote.

117.

The Names of the Members attending each Committee shall be entered by the Clerk on the Minutes of the Committee; and if any Division shall take place in the Committee, the Clerk shall take down the Names of Members voting in any such Division, distinguishing on which side of the question they respectively vote, and that such Lists be given in with the Report to The House

Names of Members to be entered on Minutes.

118.

No Committee shall have power to examine into the compliance or non-compliance with such Standing Orders as are directed to be proved before the Examiner of Petitions for Private Bills, unless by special order of The House.

Committee on Bill not to inquire into certain Standing Orders.

119.

The Committee on any Private Bill may admit affidavits in proof of the compliance with such Standing Orders of the House as are directed to be proved before them, unless in any case they shall require further evidence; and such affidavits shall be sworn, if in England, before a Justice of the Peace; if in Scotland, before any Sheriff-depute or his substitute; and if in Ireland, before any Judge or Assistant Barrister of that part of the United Kingdom.

Committee may admit affidavits in proof of compliance with Standing Orders.

120.

The Committee may admit proof of the Consents of Parties concerned in interest in any Private Bill, by Affidavits, sworn as aforesaid, or by the Certificate in writing of such Parties, whose Signatures to such Certificate shall be proved by *one* or more Witnesses, unless the Committee shall require further Evidence.

Consents, how to be proved.

121.

Proceedings of Committees on Bills.

122.

Clause compelling payment of Subscriptions.

In all Bills presented to The House for carrying on any Work by means of a Company, Commissioners or Trustees, Provision shall be made for compelling Persons who have subscribed any Money towards carrying any such Work into execution, to make payment of the Sums severally subscribed by them.

123.

Provision to be made in Bills by which Tolls, &c. are to be levied.

In all Bills whereby any Parties are authorized to levy Fees, Tolls or other Rate or Charge, Clauses shall be inserted, providing for the following objects, except in so far as any of such objects shall have been provided for in some general Act applicable to the subject-matter of the Bill:—

Security to be taken from Treasurer, &c.

Security to be taken from the Treasurer, Collector, or Receiver, and every other officer entrusted with the collection or custody of monies under the Bill, for the faithful execution of his office.

Accounts to be kept.

Full and accurate Accounts to be kept of all monies received and expended under the provisions of the Bill, and that such Accounts be balanced once in each year at the least.

Accounts to be audited.

Such Accounts to be duly audited once in each year at the least, and that for such purpose an Auditor or Auditors be appointed by some person or persons not immediately connected with the Commissioners, Directors, Trustees, or other party, by whom, or by whose direction or authority, such Fees, Tolls, Rates or Charges shall be levied.

Accounts, Vouchers, &c., to be produced to Auditors.

For the purpose of auditing such Accounts, the Commissioners, Directors, Trustees or other such party as aforesaid to be required to cause the Accounts, together with all their Books and Vouchers, to be produced to the Auditors.

Remuneration to Auditors.

The remuneration of the Auditor, and his expenses, to be defrayed out of the funds levied under the Bill.

Abstract of Account to be annually transmitted to Clerk of Peace.

An annual Account, in abstract, to be prepared of the total Receipts and Expenditure of all funds levied under such Bill for the past year, under the several distinct heads of Receipts and Expenditure, with a Statement of the Balance of the said Account duly audited and certified by the Chairman of the Commissioners, Directors, Trustees or other parties aforesaid, and also by the Auditors thereof; and a copy of such annual Account to be transmitted, free of charge, to the Clerk of the Peace (or in Scotland to the Sheriff Clerk) for the County, or to the Clerk of the City or Borough within which the chief Office for the management of such funds shall be situated, on or before the *Thirty-first* day of *January* in each year, under a sufficient Penalty for not preparing and sending in the said Account, to be levied by summary process; the said Account to be open at all seasonable hours to the inspection of the Public upon payment of a Fee.

128 A.

This is a new Order. In pursuance of the Order of The House of the 24th March 1858.

Proceedings of Committees on Bills.

124.

Level of Roads.

Where the level of any Road shall be altered in making any Public Work, the ascent of any Turnpike Road, or of any Road in Ireland so defined in the Railway Clauses Consolidation Act, 1845, shall not be more than One foot in 30 feet, and of any other public Carriage Road not more than One foot in 20 feet; and a good and sufficient Fence, of Four feet high at the least, shall be made on each side of every Bridge which shall be erected.

Fence to Bridge.

125.

Plan, &c., to be signed by Chairman.

Every Plan, and Book of Reference thereto, which shall be produced in evidence before the Committee upon any Private Bill (whether the same shall have been previously lodged in the Private Bill Office, or not,) shall be signed by the Chairman of such Committee, with his Name at length; and he shall also mark with the Initials of his Name every Alteration of such Plan and Book of Reference, which shall be agreed upon by the said Committee; and every such Plan and Book of Reference shall thereafter be deposited in the Private Bill Office.

126.

Committee Bill and Clauses to be signed by Chairman.

The Chairman of the Committee shall sign, with his Name at length, a printed Copy of the Bill (to be called the Committee Bill), on which the Amendments are to be fairly written; and also sign, with the Initials of his Name, the several Clauses added in the Committee.

127.

Chairman to report on allegations of Bill, &c.

The Chairman of the Committee shall report to The House, that the Allegations of the Bill have been examined; and whether the Parties concerned have given their Consent (where such Consent is required by the Standing Orders) to the satisfaction of the Committee.

128.

Chairman to report Bill in all cases.

The Chairman of the Committee shall report the Bill to The House, whether the Committee shall or shall not have agreed to the Preamble, or gone through the several Clauses, or any of them; or where the Parties shall have acquainted the Committee that it is not their intention to proceed with the Bill; and when any alteration shall have been made in the Preamble of the Bill, such alteration, together with the ground of making it, shall be specially stated in the Report.

128 A.

Committee to notice recommendation from Government Departments when referred.

Whenever a recommendation shall have been made in a Report on a Private Bill from a Department of the Government referred to the Committee, the Committee shall notice such recommendation in their Report, and shall state their reasons for dissenting, should such recommendation not be agreed to.

129.

Minutes of Committee.

The Minutes of the Committee on every Private Bill shall be brought up and laid on the Table of The House, with the Report of the Bill.

Proceedings of Committees on Bills.

Railway Bills.

130.

Restrictions as to Mortgage.

In the case of a Railway Bill, no Company shall be authorized to raise, by Loan or Mortgage, a larger sum than *One-third* of their capital; and until *Fifty per cent.* on the whole of the capital shall have been paid up, it shall not be in the power of the Company to raise any Money by Loan or Mortgage.

131.

Limiting ascent of Roads where Level is altered.

Where the level of any road shall be altered in making any Railway, the ascent of any Turnpike Road, or of any Road in Ireland, so defined in the Railway Clauses Consolidation Act, 1845, shall not be more than One foot in 30 feet, and of any other public carriage-road not more than One foot in 20 feet, unless a report thereupon from some officer of the Board of Trade shall be laid before the Committee on the Bill, and unless the Committee, after considering such report, and examining such officer, if they shall disagree with the said report, shall recommend steeper ascents, with the reasons and facts upon which their opinion is founded: Also, a good and sufficient Fence, of Four feet high at the least, shall be made on each side of every Bridge which shall be erected.

Fence to Bridge.

132.

Railway not to cross Roads on a Level unless Committee report, &c.

No Railway whereon carriages are propelled by steam, or by atmospheric agency, or drawn by ropes in connexion with a stationary steam-engine, shall be made across any turnpike-road or other public carriage-way on the level, unless a Report thereupon from some Officer of the Board of Trade shall be laid before the Committee on the Bill, and unless the Committee, after considering such Report, and examining such Officer, if they shall disagree with the said Report, shall recommend such level crossing, with the reasons and facts upon which their opinion is founded; and in every Clause authorizing a level crossing, the number of lines of rails authorized to be made at such crossing shall be specified.

133.

Railway Company not to acquire Docks, &c. unless Committee report, &c.

No Railway Company shall be authorized to construct or enlarge, purchase or take on lease, or otherwise appropriate any Dock, Pier, Harbour or Ferry, or to acquire and use any Steam-vessels for the conveyance of goods and passengers, or to apply any portion of their capital or revenue to other objects, distinct from the Undertaking of a Railway Company, unless the Committee on the Bill report that such a restriction ought not to be enforced, with the reasons and facts upon which their opinion is founded.

134.

Matters to be specially reported.

In the case of a Railway Bill, the Committee shall report specially:—

Capital.

1. The proposed Capital of the Company formed for the execution of the project, and the amount of any Loans which they may be empowered to raise by the Bill.

2. The

2. The amount of Shares subscribed for, and the Deposits paid thereon. Shares, &c.

3. The Names and Places of Residence of the Directors or Provisional Committee, with the amount of Shares taken by each. Names, &c., of Directors.

4. The number of Shareholders who may be considered as having a local interest in the line, and the amount of Capital subscribed for by them. Local Shareholders.

5. The number of other Parties, and the Capital taken by them. Other parties, &c.

6. The number of Shareholders subscribing for 2,000*l.* and upwards, with their Names and Residences, and the amount for which they have subscribed. Subscribers for 2,000*l.* and upwards.

7. Whether any Report from the Board of Trade in regard to the Bill, or the objects thereby proposed to be authorized, has been referred by the House to the Committee, and if so, whether any and what recommendations contained in such Report have been adopted by the Committee, and whether any and what recommendations contained in such Report have been rejected. Whether Report from Railway Commissioners has been referred to Committee, &c.

8. What planes on the Railway are proposed to be worked by assistant engines, either stationary or locomotive, with the respective lengths and inclinations of such planes. Assistant Engines.

9. Any peculiar engineering difficulties in the proposed line, and the manner in which it is intended they should be overcome. Engineering difficulties.

10. The length, breadth, and height, and means of ventilation of any proposed tunnels, and whether the strata through which they are to pass are favourable or otherwise. Ventilation of Tunnels.

11. Whether in the lines proposed, the gradients and curves are generally favourable or otherwise, and the steepest gradient, exclusive of the inclined planes above referred to, and the smallest radius of a curve. Gradients and Curves.

12. The length and termini of the main line of the proposed Railway, and of its branches respectively, and on what gauge it is proposed to be constructed. Length of Line, &c.

13. Whether it be intended that the Railway should pass on a level any Turnpike Road or Highway, and if so, to call the particular attention of The House to that circumstance. Passing Highways on a level.

14. The amount of the Estimates of the cost or other expenses to be incurred up to the time of the completion of the Railway, and whether they appear to be supported by evidence, and to be fully adequate for the purpose. Estimates.

15. The number of assents, dissents and neuters upon the line, and the length and amount of Property belonging to each class traversed by the said Railway, distinguishing Owners from Occupiers; and in the case of any Bill to vary the original Line, the above particulars with reference to such Parties only as may be affected by the proposed deviation. Assents, dissents and neuters.

16. The Name of each Engineer examined in support of the Bill, and of any examined in opposition to it. Engineers examined.

Proceedings of Committees on Bills.

Petitions in opposition.

17. The main allegations of every Petition which may have been referred to the Committee in opposition to the Preamble of the Bill, or to any of its Clauses; and whether the allegations have been considered by the Committee, and if not considered, the cause of their not having been so.

Fitness in an engineering point of view, and any other circumstances.

And the Committee shall also report generally as to the fitness, in an engineering point of view, of the projected line of Railway, and any circumstances which, in the opinion of the Committee, it is desirable The House should be informed of.

135.

Instruction to Committees on Railway Bills.

It shall be an Instruction to the Committee on every Railway Bill providing for the construction of any new Railway, or for the extension of time for the completion of any Railway, in case they shall find the Preamble thereof to be proved, to insert in the Bill one or other of the provisions following, that is to say:—

Clause to be inserted suspending Payment of Dividend until Line be opened.

In every Railway Bill promoted by an existing Railway Company, being possessed of a Railway already opened for public traffic, whereby the construction of any new line of Railway is authorized, or the time for completing any line already authorized is extended, a Clause providing that after the expiration of a period to be limited by such Bill, not exceeding Five Years from the passing of the Act, in the case of a new line, and Three Years in case of the extension of time for completing any line, the payment of any dividend on the ordinary capital of such Company shall be suspended until such line shall have been completed and opened for public traffic.

Clause respecting Bond to be entered into for completion of Line.

In every Railway Bill promoted by an existing Railway Company, not being possessed of a Railway already opened for public traffic, or by persons not already incorporated, whereby the construction of any new line of Railway is authorized, a Clause to the following effect, viz.:—

Whereas, pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the ninth and tenth years of Her present Majesty, c. 20, a sum of £.
being one-tenth part of the amount required to be subscribed in respect of the Railway authorized by this Act, has been deposited with the Court of Chancery in England [or with the Court of Exchequer in Scotland, or the Court of Chancery in Ireland, as the case may be], [or Exchequer Bills, Stocks or Funds to the amount of £. , have been deposited or transferred pursuant to the said Act, as the case may be], in respect of the application to Parliament for this Act; Be it enacted, That, notwithstanding anything contained in the said recited Act, the said sum of £. [or the said Exchequer Bills or other Funds, as the case may be] so deposited [or transferred] as aforesaid, in respect of the application for this Act, or the interest or dividends of such sum of money [Exchequer Bills, Stocks or Funds], shall not, except upon the execution and deposit of such bond as hereinafter mentioned, be paid or transferred to or on the application of the person or persons, or the majority of the persons named in the warrant or order issued in pursuance of the said

135.

The words "and unguaranteed" have been omitted.

said Act, or the survivors or survivor of them, unless the said Company shall, previously to the expiration of the period limited by this Act for completion of the Railway hereby authorized to be made, either open the said Railway for the public conveyance of passengers, or prove to the satisfaction of the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations that the said Company have paid up one-half of the amount of the capital by this Act authorized to be raised by means of shares, and have expended for the purposes of this Act a sum equal in amount to such one-half of the said capital; and if the said period shall expire before the said Company shall either have opened the said Railway for the public conveyance of passengers, or have given such proof as aforesaid to the satisfaction of the Lords of the said Committee, the said sum of money [Exchequer Bills, Stocks or Funds], deposited [or transferred] as aforesaid, and the interest and dividends thereof, shall immediately, from and after the expiration of the said period, be forfeited to Her Majesty, and be paid and transferred by the officer or person in whose name they shall then be deposited or invested, to the account of Her Majesty's Exchequer, and when so paid and transferred, shall be carried to and form part of the Consolidated Fund of the United Kingdom of Great Britain and Ireland: Provided, That at any time after the passing of this Act, if a bond in twice the amount of the said sum of £. shall have been executed by the said Company, with one or more sureties (such bond to be prepared to the satisfaction of, and such surety or sureties to be approved by, the Solicitor to the Lords Commissioners of Her Majesty's Treasury), conditioned for payment to Her Majesty, Her heirs or successors, of the said sum of £. , if the said Company shall not, within the time limited for the completion of the said Railway, either open the said Railway for the public conveyance of passengers, or prove to the satisfaction of the Lords of the said Committee that the said Company have paid up one-half of the amount of the said capital by this Act authorized to be raised by means of shares, and have expended for the purposes of this Act a sum equal in amount to such one-half of the said capital; and if such bond shall have been deposited with the said Solicitor to the said Lords Commissioners, then such sum of money [Exchequer Bills, Stocks or Funds], and the interest or dividends thereof, shall be paid [or transferred] to or on the application of the person or persons, or the majority of the persons, named in such warrant or order as aforesaid, or the survivors or survivor of them, and it shall not be necessary to produce any certificate of this Act having passed, anything in the said recited Act to the contrary notwithstanding; and the moneys to be recovered upon such bond shall be dealt with in like manner as the said sum of money [Exchequer Bills, Stocks or Funds], and the interest or dividends thereof, would have been dealt with under this Act if such bond had not been executed and deposited as aforesaid. And the certificate of the said solicitor to the said Lords Commissioners that such bond has been executed and deposited as aforesaid, and the certificate of the Lords of the said Committee that such proof has been given to their satisfaction as aforesaid, shall respectively be sufficient evidence of the facts so certified.

Where preceding Provisions are inapplicable.

In any Railway Bill to which the preceding provisions are not applicable, the Committee shall make such other provision as they shall deem necessary for ensuring the completion of the line of Railway.

136.

Committee to fix the Tolls and Charges.

The Committee on every Railway Bill shall fix the Tolls, and shall determine the maximum rates of Charge for the conveyance of Passengers, with a due amount of Luggage and of Goods on such Railway, and such rates of Charge shall include the Tolls and the costs of locomotive power, and every other expense connected with the conveyance of Passengers, with a due amount of Luggage and of Goods upon such Railway; but if the Committee shall not deem it expedient to determine such maximum rates of Charge, a Special Report, explanatory of the grounds of their omitting so to do, shall be made to The House, which Special Report shall accompany the Report of the Bill.

137.

In Bills granting preference in payment of interest, &c., provision to be made that the same shall not prejudice former grants of preference, unless Committee report otherwise.

In every Railway Bill by which it is proposed to authorize the Company to grant any preference or priority in the payment of Interest or Dividends on any Shares or Stock, there shall be inserted a Clause providing that the granting of such preference or priority shall not prejudice or affect any preference or priority in the payment of Interest or Dividends on any other Shares or Stock which shall have been granted by the Company in pursuance of or which may have been confirmed by any previous Act of Parliament, or which may otherwise be lawfully subsisting, unless the Committee on the Bill shall report that such Provision ought not to be required, with the Reasons on which their opinion is founded.

138.

Company not to alter any preference previously granted.

No Railway Company shall be authorized to alter the terms of any preference or priority of Interest or Dividend which shall have been granted by such Company in pursuance of or which may have been confirmed by any previous Act of Parliament, or which may otherwise be lawfully subsisting, unless the Committee on the Bill report that such Alteration ought to be allowed, with the Reasons on which their opinion is founded, together with the number of Preference Shareholders who have assented to or dissented from such alteration.

139.

No powers of purchase, &c. in Bills for construction of a Railway.

No powers of Purchase, Sale, Lease or Amalgamation, shall be contained in any Bill for the construction of a Railway.

140.

No powers of purchase, &c. to be given, except after proof of certain matters before Board of Trade, &c.

No powers of purchase, sale, lease or amalgamation shall be given to any Railway Company, with reference to any other undertaking already authorized by any Act or Acts, nor to any other incorporated Company, with reference to any Railway, unless, previously to the application to Parliament for such purpose, the several Companies who may be parties to such purchase, sale, lease or amalgamation shall have proved, to the satisfaction

Proceedings of Committees on Bills.

satisfaction of the Board of Trade, that they have respectively paid up One-half of the capital authorized to be raised by any previous Act or Acts by means of Shares, and have expended for the purposes of such Act or Acts a sum equal thereto; and in case such powers shall be applied for in respect of Works intended to be authorized by any Bill or Bills of the same Session, it shall be proved to the satisfaction of the Board of Trade that such Companies have respectively paid up one-half the amount of their capital, and that the Company proposed to be empowered to construct such Works have included in such amount the capital proposed to be authorized by such Bill or Bills; and that no such powers shall be given in respect of Works intended to be authorized by any Act or Acts for which it is intended to apply in any subsequent Session.

141.

Railway Company not to guarantee interest or dividend before completion of Line.

No Railway Company shall be authorized, except for the execution of its original Line or Lines sanctioned by Act of Parliament, to guarantee interest on any shares which it may issue for creating additional Capital, or to guarantee any rent or dividend to any other Railway Company, until such first-mentioned Company shall have completed and opened for traffic such original Lines.

142.

Limitation of Capital on amalgamation of Companies.

In Bills for the Amalgamation of Railway Companies, the amount of Capital created by such Amalgamation shall in no case exceed the sum of the Capitals of the Companies so amalgamated.

143.

Additional Capital of purchasing Company not to amount to more than Capital of Company purchased.

In Bills for empowering any Railway Company to purchase any other Railway, no addition shall be authorized to be made to the Capital of the purchasing Company, beyond the amount of the Capital of the Railway purchased; and in case such Railway shall be purchased at a premium, no addition on account of such premium shall be made to the Capital of the purchasing Company.

144.

Clause that no Interest or Dividend be paid on Calls.

A Clause shall be inserted in every Railway Bill, prohibiting the payment of any Interest or Dividend in respect of Calls under such Bill (except the Interest by way of Discount on Subscriptions prepaid, agreeably to 8 Vict. c. 16, s. 24), out of any Capital which they have been authorized to raise either by means of Calls, or of any power of borrowing.

145.

Clause as to Deposits not to be paid out of Capital.

A Clause shall be inserted in every Railway Bill, prohibiting any Railway Company from paying, out of the Capital which they have been authorized to raise for the purposes of any existing Act, the Deposits required by the Standing Orders to be made for the purposes of any application to Parliament for a Bill for the construction of another Railway.

Proceedings of Committees on Bills.

146.

Clause as to Railway not to be exempt from any General Act.

The following Clause shall be inserted in all Railway Bills passing through this House:

And be it further Enacted, That nothing herein contained shall be deemed or construed to exempt the Railway by this or the said recited Acts authorized to be made from the provisions of any General Act relating to Railways now in force, or which may hereafter pass during this or any future Session of Parliament, or from any future revision and alteration, under the authority of Parliament, of the maximum rates of fares and charges authorized by this Act [or by the said recited Acts].

Letters Patent.

147.

Copy of Letters Patent to be annexed to the Bill.

When any Bill shall be brought into The House for confirming of Letters Patent, there shall be a true Copy of such Letters Patent annexed to the Bill.

Inclosure and Drainage Bills.

148.

Notices and Allegations.

Gen. Inc. Act.

In the case of any Bill for inclosing Lands, the Committee may admit proof of the Notices required by the Standing Orders, and of the Allegations in the Preamble of such Bill, by Affidavit taken and authenticated, according to the form prescribed in the Schedule to the General Inclosure Act (41 Geo. III. c. 109,) unless such Committee shall otherwise order.

149.

Consent Bill and Statement of Property to be delivered in.

The Committee on every Bill for inclosing Lands shall in the first place require the Agent for the same to deliver in to the Committee a printed copy of the Bill, signed by the Lord of the Manor (in cases where the Lord of the Manor has any interest as such in the lands to be inclosed), and by such Owners of Property within the Parish to which the Bill relates as shall have assented thereto; but the Parties, if they shall think fit, shall be permitted to deliver in different copies of the Bill, separately signed by the several Parties hereinbefore mentioned, instead of one copy, signed by all of them collectively; together with a List of all the Owners of Property within such Parish, showing the value according to the Poor Rate or Land Tax Assessment of each Owner's Property therein, and distinguishing which of them have assented, dissented, or are neuter in respect thereto.

150.

Consent Bill and Statement of Property to be delivered in.

The Committee on every Bill for draining Lands shall in the first place require the Agent for the same to deliver in to the Committee a printed copy of the Bill, signed by such Owners and Occupiers of Property within the Parish to which the Bill relates as shall have assented thereto; but the Parties, if

Proceedings of Committees on Bills.

if they shall think fit, shall be permitted to deliver in different copies of the Bill, separately signed by the several Parties hereinbefore mentioned, instead of one copy, signed by all of them collectively; together with a List of all the Owners of Property within such Parish, showing the value according to the Poor Rate or Land Tax Assessment of each Owner's Property therein, and distinguishing which of them have assented, dissented, or are neuter in respect thereto.

151.

Clause for leaving open Space for exercise and recreation.

In every Bill for inclosing Lands, provision shall be made for leaving an open space in the most appropriate situation, sufficient for purposes of exercise and recreation of the neighbouring population; and the Committee on the Bill shall have before them the number of acres proposed to be inclosed, as also of the population in the parishes or places in which the land to be inclosed is situate; and also shall see that provision is made for the efficient fencing of the allotment, for the investment of the same in the Churchwardens and Overseers of the parish in which such open space is reserved, and for the efficient making and permanent maintenance of the fences by such parish; and in any case where the information hereby required is not given, and the required provisions are not made in the Bill, the Committee on the same shall report specially to The House the reasons for not complying with such Order.

152.

Consent Bill to contain Names of Commissioners, and Compensations for Manorial Rights, Tithes and Enfranchisements.

In every Bill for inclosing Lands, the Names of the Commissioners proposed to be appointed, and the Compensation intended for the Lord of the Manor, and the Owners of Tithes, in lieu of their respective Rights, and also the Compensation intended to be made for the enfranchisement of Copyholds, where any Bargains or Agreements have been made for such Compensations, shall be inserted in the copy of the Bill presented to The House: And all copies of such Bills which shall be sent to any of the Persons interested in the said Manor, Tithes, Lands or Commons, for their Consent, shall contain the Names of such proposed Commissioners, and also the Compensations so bargained or agreed for.

153.

Disqualification of certain Persons as Commissioners, Surveyors, &c.

No Person shall be named in any Bill for inclosing Lands as a Commissioner, Umpire, Surveyor or Valuer, who shall be interested in the Inclosure to be made by virtue of such Bill; or the Agent ordinarily intrusted with the care, superintendence, or management of the Estate of any Person so interested.

154.

Clause for settling Pay of Commissioners, and passing their Accounts.

In every Bill for inclosing, draining or improving Lands there shall be inserted a Clause, providing what sum of Money in the whole, or by the day, shall be paid to each of the Commissioners to be appointed by such Bill, in satisfaction of the expense and trouble which he shall incur in the execution of the powers thereby

Proceedings of Committees on Bills.

thereby given; and also a Clause, providing that the Account of such Commissioner or Commissioners, containing a true statement of all Sums by him or them received and expended or due to him or them for their own trouble or expenses, shall, at least once in every year, from the date of the passing of the Act till such Accounts shall be finally allowed, together with the Vouchers relating to the same, be examined by some Person or Persons to be appointed by the Bill, and the Balance by him or them stated in the Book of Accounts required to be kept in the Office of the Clerk of such Commissioners; and that no charge or item in such Accounts shall be binding on the Parties concerned, or be valid in law, unless the same shall be duly allowed by such Person or Persons.

Turnpike Roads (Ireland).

155.

Clause for Qualification of Commissioners.

In every Bill for making a Turnpike Road in Ireland, or for the continuing or amending any Act passed for that purpose, or for the increase or alteration of the existing Tolls, Rates or Duties upon any such Road, or for widening or diverting any such Road, a Clause shall be inserted, to prevent any Person who shall be nominated a Commissioner from acting or voting in the business of the said Turnpike, unless he shall be possessed of an Estate in Land, or of a Personal Estate, to such certain value as shall be specified in such Bills; and such Qualification shall be extended to the Heirs apparent of Persons possessed of an Estate in Land to a certain value to be specified.

156.

Clause for defining limits of Burial Ground, Cemetery, or Gas Works.

That in every Bill for making a Burial Ground or Cemetery, or the erection of Works for the manufacture of Gas, there shall be a Clause defining the limits within which such Burial Ground, Cemetery or Gas Works shall be erected or made.

Proceedings of Select Committee on Divorce Bills.

PROCEEDINGS OF SELECT COMMITTEE ON DIVORCE BILLS.

157.

What Evidence to be given in Divorce Cases.

The Select Committee on Divorce Bills shall require evidence to be given before them that an action for damages has been brought in one of Her Majesty's Courts of Record at Westminster, or in one of Her Majesty's Courts of Record in Dublin, or in one of Her Majesty's Supreme Courts of Judicature of the Presidencies of Calcutta, Madras, Bombay or the Island of Ceylon, respectively, against the persons supposed to have been guilty of Adultery, and judgment for the plaintiff had thereupon; or sufficient cause to be shown to the satisfaction of the said Committee why such action was not brought, or such judgment was not obtained.

158.

When Petitioner for Bill to attend Committee.

The Select Committee on Divorce Bills shall, in all cases in which the Petitioner for the Bill has attended the House of Lords upon the Second Reading of the Bill, require him to attend before them to answer any questions they may think fit that he should answer.

159.

Committee to report Bill in all cases.

The Select Committee on Divorce Bills shall report every such Bill to The House, whether such Committee shall or shall not have agreed to the Preamble, or gone through the several Clauses, or any of them.

V.

THE ORDERS REGULATING THE PRACTICE OF THE HOUSE WITH REGARD TO PRIVATE BILLS.

163.

In line 2 the word "three" omitted, the word "one" inserted, and the word "day" inserted; in line 5 "three" omitted, "one" inserted, and the word "days" omitted, and the word "day" inserted.

Practice of the House.

V.

THE ORDERS REGULATING THE PRACTICE OF THE HOUSE WITH REGARD TO PRIVATE BILLS.

160.

Petition for Bill, and how to be signed.

No Private Bill shall be brought into this House, but upon a Petition first presented, which shall have been duly deposited in the Private Bill Office, and indorsed by one of the Examiners, with a printed copy of the proposed Bill annexed: And such Petition shall be signed by the Parties, or some of them, who are Suitors for the Bill.

161.

Petitions, when to be presented.

All Petitions for Private Bills shall be presented to the House not later than Three clear Days after the same shall have been indorsed by the Examiner, or if, when the same is indorsed, the House shall not be sitting, then not later than Three clear Days after the First sitting thereof subsequent to such indorsement; and if the House shall not be sitting on the latest day on which any Petition ought to be presented, then the same shall be presented on the first day on which the House shall again sit.

162.

How Private Bills to be presented.

All Private Bills which have been ordered to be brought in shall be presented to the House by depositing the same in the Private Bill Office, and shall be laid, by one of the Clerks of that Office, on the Table of the House for First Reading, together with a list of such Bills.

163.

Bill, when to be presented.

No Private Bill shall be read a First Time unless it be presented not later than One clear Day after the presentation of the Petition for leave to bring in the same; or where the Petition has been referred to the Select Committee on Standing Orders, then not later than One clear Day after the House shall have given leave to the Parties to proceed with the Bill.

164.

Petition for additional Provision.

No Petition for additional Provision in any Private Bill will be received by this House, unless a printed Copy of the proposed Clauses be annexed thereto.

165.

Petitions for additional Provision and Estate Bills from Lords, &c. to be referred to Examiner of Petitions.

All Petitions for additional Provision in Private Bills, with the proposed Clauses annexed, and all Estate Bills brought from the House of Lords, and all Bills introduced by leave of The House in lieu of other Bills which shall have been withdrawn, after having been read a First Time, shall be referred to the Examiner of Petitions for Private Bills.

165 A.

Bill to be submitted to a meeting of Proprietors in Incorporated Companies in certain cases.

That every Bill to empower any Company already constituted by Act of Parliament to execute, undertake, or contribute towards any work other than that for which it was originally established, or to sell or lease their undertaking, or any part thereof, or to amalgamate the same, or any part thereof, with any other undertaking, or to abandon their undertaking, or any part thereof, or to dissolve the said Company, brought from the House of Lords, shall, after the first reading thereof, be referred to the Examiners of Petitions, who shall report as to compliance or non-compliance with the following Order:

1st. The Bill, as proposed to be introduced into this House, shall be submitted to a meeting of the Proprietors of such Company at a meeting held specially for that purpose.

2d. Such meeting shall be called by advertisement inserted for two consecutive weeks in a morning newspaper published in London, Edinburgh, or Dublin, as the case may be, and in a newspaper of the county or counties in which the principal office or offices of the Company is or are situate; and also by a circular addressed to each proprietor at his last known or usual address, and sent by post, or delivered at such address, not less than ten days before the holding of such meeting, enclosing a blank form of proxy, with proper instructions for the use of the same; and the same form of proxy and the same instructions, and none other, shall be sent to every such proprietor; but no such form of proxy shall be stamped, nor shall the funds of the Company be used for the stamping any proxies, except the Company shall at a general meeting determine otherwise, in which case a stamped proxy shall be sent to each proprietor, with such instructions as aforesaid.

3d. Such meeting shall be held on a period not earlier than seven days after the last insertion of such advertisement.

4th. At such meeting the said Bill shall be submitted to the proprietors aforesaid then present, and approved of by proprietors, present in person or by proxy, holding at least three-fourths of the paid-up capital of the Company represented at such meeting, such proprietors being qualified to vote at the meeting in right of such capital.

166.

Reports of Examiner to be referred to Committee on Standing Orders.

All Reports of the Examiner of Petitions for Private Bills, in which he shall report that the Standing Orders have not been complied with, and all Special Reports of the said Examiner, shall be referred to the Select Committee on Standing Orders.

165 A.

This is a new Order.

171.

The word "*Ten*" is omitted, and "*Seven*" inserted.

Practice of the House.

167.

All Petitions praying that any of the Sessional or Standing Orders of The House relating to Private Bills may be dispensed with, and all Petitions for the re-insertion of Petitions for Private Bills in the General List of Petitions, and all Petitions opposing the same, shall be presented to this House by depositing the same in the Private Bill Office; and every such Petition, so deposited, shall stand referred to the Select Committee on Standing Orders.

Petitions for Dispensation, &c. to be referred to Committee on Standing Orders.

168.

Every Private Bill, printed on paper, of a size to be determined upon by Mr. Speaker, shall be presented to The House, with a Cover of Parchment attached to it, upon which the Title of the Bill is to be written; and the short Title of the Bill, as first entered on the Votes, shall correspond with that at the head of the Advertisement.

Printed Bill to be presented.

169.

The proposed amount of all Rates, Tolls, and other matters heretofore left blank in any Private Bill, when presented to The House, shall be inserted in *Italics* in the printed Bill annexed to the Petition.

Rates, Tolls and other Matters to be inserted in *Italics*.

170.

Every Private Bill (except Name Bills) shall be printed; and printed copies thereof delivered to the door-keepers for the use of the Members before the First Reading.

What Bills to be printed, and when.

171.

There shall be not less than *Three* clear *days*, nor more than *Seven*, between the First and Second Reading of any Private Bill, except by Special Order of The House.

Time between First and Second Reading.

172.

Every Petition in favour of or against any Private Bill before The House, or otherwise relating thereto (not being a Petition for additional Provision), shall be presented to this House, by depositing the same in the Private Bill Office, and there shall be indorsed thereon the name or short Title by which such Bill is entered in the Votes, and a Statement that such Petition is in favour of or against the Bill, or otherwise, as the case may be, together with the name of the Member, Party or Agent depositing the same.

Petition relating to Bills to be presented to House by being deposited in the Private Bill Office, and Name of Bill to be indorsed on every Petition.

Practice of the House.

173.

Petitioner or Memorialist may withdraw Petition or Memorial.

Any Petitioner or Memorialist may withdraw his Petition or Memorial, on a requisition to that effect being deposited in the Private Bill Office, signed by him or by the Agent who deposited such Petition or Memorial; and where any such Petition or Memorial is signed by more than one person, any person signing such Petition or Memorial may withdraw his opposition by a similar requisition, signed and deposited as aforesaid.

174.

When Second or Third Reading opposed to be postponed.

In cases where the Second or Third Reading of a Private Bill, or the consideration of a Bill as amended by the Committee, or any proposed Clause or Amendment, is opposed, the same shall be postponed until the day on which the House shall next sit.

175.

Bills to stand referred to Committees of Selection General Committee and Divorce.

Every Private Bill, not being a Railway, Canal or Divorce Bill, after having been read a Second time and committed, shall stand referred to the Committee of Selection; and if a Railway or Canal Bill, to the General Committee on Railway and Canal Bills; and if a Divorce Bill, to the Select Committee on Divorce Bills.

176.

When unopposed Bill is to be treated as opposed, to be again referred to Committee of Selection or General Committee.

When The House shall have been informed by the Chairman of Ways and Means, that in his opinion any unopposed Private Bill should be treated as an opposed Bill, such Bill shall be again referred to the Committee of Selection; or in the case of a Railway or Canal Bill, to the General Committee on Railway and Canal Bills.

177.

Petition against Bill, if duly deposited in Private Bill Office, to stand referred to Committee on Bill, &c.

Every Petition against a Private Bill which shall have been deposited in the Private Bill Office either previous to, or not later than Seven clear days after, the Second Reading of such Bill, or which shall have been otherwise deposited under the provisions of Standing Order 109, shall stand referred to the Committee on such Bill; and, subject to the Rules and Orders of this House, such Petitioners as shall have prayed to be heard, by themselves, their Counsel or Agents, shall be heard upon their Petition accordingly, if they think fit, and Counsel heard, in favour of the Bill, against such Petition.

178.

Time between Second Reading and Committee.

There shall be *Eight* clear *Days* between the Second Reading of every Private Bill and the sitting of the Committee thereupon, except in the case of Name Bills, Naturalisation Bills, and Estate Bills, (not being Bills relating to Crown, Church or Corporation property, or property held in trust for Public or Charitable purposes), in respect of which there shall be *Three* clear *days* between the Second Reading and the Committee.

175.

After the word "Bill," in line 1, the words "not being a Railway, Canal, or Divorce Bill," have been inserted; and the words "if not a Railway, Canal, or Divorce Bill," have been omitted.

178.

The word "*Fourteen*" is omitted, and "*Eight*" inserted; in lines 3 and 4 the words "Divorce Bills, in respect of which there shall be eight clear days, and of" have been omitted; and the words "Naturalisation Bills" inserted.

179.

The words "In the case of Railway Bills, if any Report" have been omitted, and the words "all Reports" inserted; the words "the Board of Trade" have been omitted, and the words "any Public Department" have been inserted; and the word "any" has been omitted, and the words "a Private" inserted; and the word "be," and also the words "such Report" omitted.

(This Order has been inserted pursuant to the Order of The House of the 21st May 1857.)

179.

All Reports made under the authority of any Public Department upon a Private Bill, or the objects thereof, laid before the House, shall stand referred to the Committee on the Bill.

Reports of Departments to stand referred to Committee on Bill.

180.

The Report upon every Private Bill shall lie upon the Table; and the Bill, if amended in Committee, or a Railway Bill, when reported, shall be ordered to lie upon the Table; and every other Bill, when reported, shall be ordered to be read a Third time.

Report of Bills.

181.

Every Private Bill, as amended in Committee, shall be printed at the expense of the Parties applying for the same, and delivered to the Door-keepers for the use of the Members, *Three* clear *days* at least before the consideration of such Bill.

Bill to be printed after Report.

182.

In the case of Private Bills ordered to lie upon the Table, Three clear days shall intervene between the Report and the consideration of the Bill, and no consideration of any such Bill shall take place, unless the Chairman of the Committee of Ways and Means shall have informed The House, or signified in writing to Mr. Speaker, whether the Bill contain the several provisions required by the Standing Orders.

Time between Report and Consideration of Bill, &c.

183.

No Clause or Amendment shall be offered in The House on the consideration of any Private Bill ordered to lie upon the Table, nor any verbal Amendment on the Third Reading of any Private Bill, unless the Chairman of the Committee of Ways and Means shall have informed The House, or signified in writing to Mr. Speaker, whether, in his opinion, such Clause or Amendment be such as ought or ought not to be entertained by The House, without referring the same to the Select Committee on Standing Orders.

No Clause or Amendment on consideration of Bill, or on Third Reading, to be offered, unless Chairman of Ways and Means shall have informed The House, &c.

184.

When any Clause or Amendment is offered on the consideration of any Private Bill ordered to lie upon the Table, or any verbal Amendment on the Third Reading of any Private Bill, such Clause or Amendment shall be printed at the expense of the parties: And when any Clause is proposed to be amended, it shall be printed *in extenso*, with every addition or substitution in different type, and the omissions therefrom included in brackets and underlined.

Clauses and Amendments offered on consideration of Bill or verbal Amendments on Third Reading, to be printed.

185.

When any Clause or Amendment on the consideration of any Private Bill ordered to lie upon the Table, or any verbal Amendment on the Third Reading of any Private Bill, shall have been referred to the Select Committee on Standing Orders, no further proceeding shall be had until the Report of the said Select Committee shall have been brought up.

When referred, no further proceeding to be had until Report of Select Committee on Standing Orders.

Practice of the House.

186.

No Amendments, except verbal, on Third Reading.

No Amendments, not being merely verbal, shall be made to any Private Bill on the Third Reading.

187.

Lords' Amendments to be printed and circulated with the Votes prior to consideration, &c.

All Amendments made by the House of Lords to any Private Bill shall be printed at the expense of the parties, and circulated with the Votes, prior to such Amendments being taken into consideration; and where any Clause has been amended, it shall be printed *in extenso*, with every addition or substitution in different type, and the omissions therefrom included in brackets and underlined; and when any Amendments are intended to be proposed to the Lords' Amendments, such proposed Amendments shall also be printed in like manner.

188.

Bill to be printed fair after Third Reading.

Every Private Bill, after it has been read a Third time, shall be printed fair, at the expense of the Parties applying for the same.

189.

Notice of Committee to inspect Lords' Journals to be given to Committee Clerks.

In all cases where it is intended to appoint a Committee to inspect the Journals of the House of Lords with relation to any proceedings upon any Private Bill, previous notice thereof in writing shall be given by the Agent to the Clerks in the Committee Office.

190.

Bill not to proceed two stages on same day.

No Private Bill shall pass through two stages on one and the same day without the special leave of The House.

191.

Notice to be given of Motion for dispensation.

Except in cases of urgent and pressing necessity, no Motion shall be made to dispense with any Sessional or Standing Order of The House without due notice thereof.

192.

Order of Proceedings in House on Private Business.

Each day, so soon as The House shall be ready to proceed to Private Business, the Clerk at the Table shall read from the Private Business List, and from the List of Bills presented for First Reading (*see* Order 162), the Titles of the several Bills set down therein, according to their precedence, as arranged under the following heads:—

1. Consideration of Lords' Amendments;
2. Third Reading;
3. Consideration of Bills ordered to lie upon the Table;
4. Second Reading;
5. First Reading;

and if upon the reading of each such Title, as aforesaid, no Motion shall be made with respect to such Private Bill, the further proceedings thereon shall be adjourned until the next sitting of The House.

VI.

THE ORDERS REGULATING THE PRACTICE IN THE PRIVATE BILL OFFICE.

196.

In line 3, "31st" has been omitted, and "23d" inserted.

Practice in the Private Bill Office.

VI.

THE ORDERS REGULATING THE PRACTICE IN THE PRIVATE BILL OFFICE.

193.

Private Bill Office and Register.

A Book, to be called "THE PRIVATE BILL REGISTER," shall be kept in a Room, to be called "THE PRIVATE BILL OFFICE," in which Book shall be entered by the Clerks appointed for the business of that Office, the Name, Description and Place of Residence of the Parliamentary Agent in Town, and of the Agent in the Country (if any) soliciting the Bill; and all the Proceedings, from the Petition to the passing of the Bill:—Such Entry to specify, briefly, each day's Proceeding before the Examiners of Petitions respectively, or in The House, or in any Committee to which the Bill may be referred; the day and hour on which the Examiner or the Committee is appointed to sit; the day and hour to which the Proceedings before such Examiners or Committee may be adjourned, and the name of the Clerk attending the same. Such Book to be open to public inspection daily, in the said Office, between the hours of Ten and Six.

194.

Receipt of Documents to be acknowledged.

The receipt of all Documents required, by the Standing Orders of The House, to be deposited in the Private Bill Office, shall be acknowledged by one of the Clerks of the said Office, upon the said Documents, and upon the Petition for the Bill, when deposited.

195.

List of Petitions to be kept.

A List of all Petitions for Private Bills shall be kept in the Private Bill Office in the order of their deposit, according to such regulations as shall have been made by Mr. Speaker, which shall be called the "General List of Petitions," and each Petition therein shall be numbered.

196.

Memorials when to be deposited.

All Memorials complaining of non-compliance with the Standing Orders, in reference to Petitions for Bills deposited in the Private Bill Office on or before the 23d December, shall be deposited as follows:

Practice in the Private Bill Office.

If the same relate to Petitions for Bills numbered in the General List of Petitions;

From

1 to 100	They shall be deposited on or before - - -	January 9th.
101 to 200		„ 16th.
201 and upwards		„ 23d.

And in the case of any Petitions for Bills which may be deposited by leave of The House after the 23d December, such Memorials shall be deposited Three clear Days before the day first appointed for the examination of the Petition.

197.

Deposit of Memorials and Copies thereof in Private Bill Office.

All Memorials shall be deposited in the Private Bill Office before Six of the clock in the evening of any day on which The House shall sit, and before Two of the clock on any day on which The House shall not sit; and Two copies of every such Memorial shall be deposited for the use of the Examiners before Twelve of the clock on the following day.

198.

Time for depositing Memorials in certain cases, &c.

Every Memorial complaining of non-compliance with the Standing Orders of The House in reference to Petitions for additional provision in Private Bills, to Estate Bills brought from the House of Lords, and to Bills introduced by leave of this House in lieu of other Bills which shall have been withdrawn, and referred to the Examiners of Petitions for Private Bills, shall be deposited in the Private Bill Office, together with Two Copies thereof, before Twelve o'clock on the day preceding that appointed for the examination of any such Petition or Bill by the Examiner; and the Examiner shall be at liberty to entertain such Memorial, although the party (if any) who may be specially affected by the non-compliance with the Standing Orders shall not have signed the same.

199.

Notice to be given of Examination of Petitions, &c.

One of the Examiners shall give at least *Seven* clear days' notice in the Private Bill Office of the day appointed for the examination of each Petition for a Bill, and at least Two clear days' notice in all cases of Petitions for additional Provision in Private Bills, of Estate Bills brought from the House of Lords, and of Bills introduced by leave of this House in lieu of other Bills which shall have been withdrawn, and referred to the Examiners.

200.

Examination Book.

After each Private Bill has been read the First time, its Name (or short Title) shall be copied by the Clerks of the Private Bill Office, from the Clerk's Minute Book of the day, into a separate Book, to be called "THE EXAMINATION BOOK;"—wherein shall be noted the number of such Bill, according to the priority of its being read, and the date of the day of such First Reading.

201. Every

"17th" omitted, and "9th" inserted.
"24th" omitted, and "16th" inserted.
"31st" omitted, and "23d" inserted.

Also the words "31st" omitted, and "23d" inserted.

204.

All the words to the word "unopposed," in line 3, have been omitted; the word "Seven" omitted, and "Four" inserted; in line 7 the word "said" omitted; after "Committee" the words "of Selection" have been inserted; after "or" the words "to the" inserted, and after the word "Bills" the words "except in the case of Name Bills, Naturalization Bills, and Estate Bills, and except in the case of Bills referred back to either of the said Committees as unopposed" have been inserted; and in line 9, after the word "Bills," the words "Naturalization Bills" have been inserted; and in line 13 the word "Seven" has been omitted, and "Four" inserted.

Practice in the Private Bill Office.

201.

Custody of Bills.

Every Private Bill, after it has been read the First time and the Title copied and examined for the Votes, shall be in the custody of the Clerks of the Private Bill Office, until laid upon the Table for the Second Reading; and when committed, shall be taken by the proper Committee Clerk into his charge, till reported.

202.

Examination of Bills.

Between the First and Second Reading of every Private Bill, the Bill shall, according to its priority, be examined, with all practicable despatch, by the Clerks of the Private Bill Office, as to its conformity with the Rules and Standing Orders of The House; and if not in due form, the Examining Clerk shall specify thereon the page in which any irregularity occurs, and shall enter the day of such Examination, together with his own Name, in the Examination Book.

203.

Notice of Second Reading.

Three clear *days'* Notice in writing shall be given by the Agent for the Bill, to the Clerks in the Private Bill Office, of the day proposed for the Second Reading of every Private Bill; and no such Notice shall be given until the day after that on which the Bill has been read a first time.

204.

Notice of Committees.

Four clear days' notice shall be given by the Clerk to the Committee of Selection, or by the Clerk to the General Committee on Railway and Canal Bills, as the case may be, to the Clerks in the Private Bill Office, of the day and hour appointed for the meeting of the Committee on every Private Bill that shall have been referred either to the Committee of Selection or to the General Committee on Railway and Canal Bills, except in the case of Name Bills, Naturalization Bills and Estate Bills, and except in the case of Bills referred back to either of the said Committees as unopposed :—and in the case of such Name Bills, Naturalization Bills and Estate Bills, there shall be *One* clear day's notice given of Committee by the Clerk to the Committee of Selection :—and in the case of Bills not referred to the Committee of Selection, or to the General Committee on Railway and Canal Bills, *Four* clear days' notice, and, in the case of a re-committed Bill, *Three* clear days' notice, shall be given by the Agents for the Bill to the Clerks in the Private Bill Office of the day and hour appointed for the meeting of the Committee, and all the proceedings of any Committee of which such notice shall not have been given, shall be void.

205.

Filled-up Bill to be deposited in Private Bill Office.

A filled-up Bill, signed by the Agent for the Bill, as proposed to be submitted to the Committee on the Bill, and in the case of a re-committed Bill, a filled-up Bill, as proposed to be submitted to the Committee on re-committal, shall be deposited in the Private Bill Office one clear day before the meeting of the Committee on every Private Bill; and all Parties shall be entitled to a Copy thereof, upon payment of the Charges for making out Amendments of such Bill.

Practice in the Private Bill Office.

206.

Notice of Postponement.

Notice in writing shall be given by the Clerk to the Committee of Selection, or by the Clerk to the General Committee on Railway and Canal Bills, as the case may be, to the Clerks in the Private Bill Office, of the postponement of the first meeting of any Committee on a Private Bill which shall have been referred either to the Committee of Selection, or to the General Committee on Railway and Canal Bills, on the day on which such postponement is made; and in the case of Bills not referred to the Committee of Selection, or the General Committee on Railway and Canal Bills, *One* clear day's notice shall be given by the Agents for the Bill, and, in the case of Divorce Bills, either by the Agents or by the Clerk to the Select Committee on Divorce Bills, to the Clerks in the Private Bill Office of such postponement.

207.

Notice of Adjournment.

Notice, in writing, shall be given by the Committee Clerk to the Clerks in the Private Bill Office, of the day and hour to which each Committee is adjourned.

208.

Notice of consideration of Bill.

One clear *day*'s Notice, in writing, shall be given by the Agent for the Bill, to the Clerks in the Private Bill Office, of the day proposed for the consideration of every Private Bill ordered to lie upon the Table.

209.

Bill as amended in Committee to be delivered in.

The Committee Clerk, after the Report is made out, shall deliver in to the Private Bill Office a printed Copy of the Bill, with the written Amendments made in the Committee; in which Bill, all the Clauses added by the Committee shall be regularly marked in those parts of the Bill wherein they are to be inserted.

210.

Bill printed as amended, to be examined

Every Private Bill printed as amended in Committee (*see* Order 181), shall be examined by the Clerks in the Private Bill Office, with the Bill delivered in by the Committee Clerk, and the Examining Clerks shall indorse thereon a certificate of such examination.

211.

Notice to be given of Clauses, &c. on consideration of Bill, or verbal Amendments on Third Reading.

When it is intended to bring up any Clause or to propose any Amendment on the consideration of any Private Bill ordered to lie upon the Table, or any verbal Amendment on the Third Reading of any Private Bill, Notice shall be given thereof, in the Private Bill Office, One clear day previous to such consideration or Third Reading.

212.

Notice of Third Reading.

One clear *day*'s Notice, in writing, shall be given by the Agent for the Bill, to the Clerks in the Private Bill Office, of the day proposed for the *Third Reading* of every Private Bill; and no such Notice shall be given until the day after that on which the Bill shall have been ordered to be read a Third time.

213. The

206.

In line 2, after the word "Selection," the words "or by the Clerk to the General Committee on Railway and Canal Bills, as the case may be," have been inserted; in line 4 the word "said" has been omitted, and after the word "Committee," the words "of Selection," have been inserted.

Practice in the Private Bill Office.

213.

Amendments on consideration of Bill and Third Reading.

The Amendments (if any) which are made on the consideration of any Private Bill ordered to lie upon the Table, and on the Third Reading of any Private Bill, and also such Amendments made by the House of Lords as shall have been agreed to by this House, shall be entered by one of the Clerks in the Private Bill Office upon the printed Copy of the Bill as amended in Committee; which Clerk shall sign the said Copy so amended, in order to its being deposited and preserved in the said Office.

214.

Private Bills sent to The Lords to be indorsed with Certificate of Examination.

Every Private Bill, after it has been printed fair (*see* 188), shall, before the same is sent to the Lords, be examined by the Clerks in the Private Bill Office with the Bill, as read a third time; and the Examining Clerks shall indorse thereon a certificate of such examination.

215.

Notice of consideration of Lords' Amendments.

When Amendments made by the House of Lords to any Private Bill are to be taken into consideration, One clear day's Notice shall be given thereof in the Private Bill Office, and if any Amendments be intended to be proposed thereto, a copy of such Amendments shall also be deposited, and Notice given thereof, One clear day previous to the same being proposed to be taken into consideration; and no such Notice shall be given until the day after that on which such Bill shall have been returned from the House of Lords.

216.

Time for delivering Notices.

All *Notices* required to be given or deposits to be made in the Private Bill Office shall be delivered in the said Office before *Six* of the clock in the *Evening* of any day on which The House shall sit, and before *Two* of the clock on any day on which The House shall not sit; and after any day on which The House shall have adjourned beyond the following day, no Notice shall be given for the first day on which it shall again sit.

217.

Daily Lists of Committees sitting.

The Clerks in the Private Bill Office shall prepare, daily, Lists of all Private Bills, and Petitions for Private Bills upon which any Committee or Examiner is appointed to sit; specifying the Hour of meeting, and the Room where the Committee or Examiner shall sit; and the same shall be hung up in the Lobby of The House.

218.

Plans to be verified as Mr. Speaker shall direct.

Every Plan, and Book of Reference thereto, which shall be certified by The Speaker of the House of Commons, in pursuance of any Act of Parliament, shall previously be ascertained, and verified in such manner as shall be deemed most advisable by The Speaker, to be exactly conformable in all respects to the Plan and Book of Reference which shall have been signed by the Chairman of the Committee upon the Bill.

Appendix (A.)

[Form referred to in Page 22.]

No.——————

Sir,

We beg to inform you, that Application is intended to be made to Parliament in the ensuing Session for "An Act" [*here insert the Title of the Act*], and that the Property mentioned in the annexed Schedule, or some Part thereof, in which we understand you are interested as therein stated, will be required for the Purposes of the said Undertaking, according to the Line thereof as at present laid out, or may be required to be taken under the usual Powers of Deviation to the Extent of Yards on either side of the said Line which will be applied for in the said Act, and will be passed through in the Manner mentioned in such Schedule.

We also beg to inform you, that a Plan and Section of the said Undertaking, with a Book of Reference thereto, have been or will be deposited with the [*several Clerks of the Peace, or principal Sheriff Clerks, as the case may be*] of the Counties of [*specify the Counties in which the Property is situate*], on or before the 30th of November, and that Copies of so much of the said Plan and Section as relates to the [*Parish or extra-parochial place, as the case may be*], in which your Property is situate, with a Book of Reference thereto, have been or will be deposited for public Inspection with the [*Clerk of the said Parish, Clerk of the Parish of adjoining to such extra-parochial place, Schoolmaster of the Parish, Session Clerk, Town Clerk of the Royal Burgh, or the Clerk of the Union in which such Parish is included, as the case may be*], on or before the 30th day of November, on which Plans your Property is designated by the Numbers set forth in the annexed Schedule.

As we are required to report to Parliament whether you assent to or dissent from the proposed Undertaking, or whether you are neuter in respect thereto, you will oblige us by writing your Answer of Assent, Dissent or Neutrality in the Form left herewith, and returning the same to us with your Signature on or before the day of next; and if there should be any Error or Misdescription in the annexed Schedule, we shall feel obliged by your informing us thereof, at your earliest convenience, that we may correct the same without delay.

We are, Sir,
Your most obedient servants,

To

Note.—If the Application be forwarded by Post, the words "Parliamentary Notice" are to be printed or written on the cover.

SCHEDULE referred to in the foregoing Notice, describing the Property therein alluded to, and the Manner in which the Line of the proposed Work, as delineated upon the Plan and Section, will affect the same.

—	Parish, Township, Townland or Extra-parochial Place.	Number on Plans.	Description.	Owner.	Lessee.	Occupier.	Description of the Section of the Line deposited, showing the greatest Height of Embankment, and Depth of Cutting where the Property is intersected by the centre line of the proposed Work.
Property in the Line of the proposed Work, as at present laid out (including Property any part of which is within Eleven yards, or thereabouts, of the centre line of such proposed Work, as delineated upon the Plan).							

—	Parish, Township, Townland, or Extra-parochial Place.	Number on Plans.	Description.	Owner.	Lessee.	Occupier.
Property within the Limits of the Deviation intended to be applied for.						

Note.—Where the Property is not intersected by the centre Line, the description of the Section is not given in the last column.

Appendix (B.)

ANNO PRIMO VICTORIÆ REGINÆ.

Cap. LXXXIII.

AN ACT to compel Clerks of the Peace for Counties and other Persons to take the Custody of such Documents as shall be directed to be deposited with them under the Standing Orders of either House of Parliament.

WHEREAS the Houses of Parliament are in the habit of requiring that, previous to the introduction of any Bill into Parliament for making certain bridges, turnpike-roads, cuts, canals, reservoirs, aqueducts, waterworks, navigations, tunnels, archways, railways, piers, ports, harbours, ferries, docks and other works, to be made under the authority of Parliament, certain maps or plans and sections, and books and writings, or extracts or copies of or from certain maps, plans or sections, books and writings, shall be deposited in the office of the clerk of the peace for every county, riding or division in England or Ireland, or in the office of the sheriff clerk of every county in Scotland, in which such work is proposed to be made, and also with the parish clerk in every parish in England, the schoolmaster of every parish of Scotland, or in Royal Burghs with the town clerk, and the postmaster of the post town in or nearest to every parish in Ireland, in which such work is intended to be made, and with other persons: And whereas it is expedient that such maps, plans, sections, books, writings and copies or extracts of and from the same, should be received by the said clerks of the peace, sheriff clerks, parish clerks, schoolmasters, town clerks, postmasters and other persons, and should remain in their custody for the purposes hereinafter mentioned; BE it therefore Enacted by The Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That whenever either of the Houses of Parliament shall by its Standing Orders, already made or hereafter to be made, require that any such maps, plans, sections, books or writings, or extracts or copies of the same, or any of them, shall be deposited as aforesaid, such maps, plans, sections, books, writings, copies and extracts shall be received by and shall remain with the clerks of the peace, sheriff clerks, parish clerks, schoolmasters, town clerks, postmasters and other persons with whom the same shall be directed by such Standing Orders to be deposited, and they are hereby respectively directed to receive and to retain the custody of all such documents and writings so directed to be deposited with them respectively, in the manner and for the purposes and under the rules and regulations concerning the same respectively directed by such Standing Orders, and shall make such memorials and endorsements on and give such acknowledgments and receipts in respect of the same respectively as shall be thereby directed.

Clerks of the Peace, &c. to receive the Documents herein mentioned, and retain them for the purposes directed by the Standing Orders of the Houses of Parliament.

II. And be it further Enacted, That all persons interested shall have liberty to, and the said clerks of the peace, sheriff clerks, parish clerks, schoolmasters, town clerks and postmasters, and every of them, are and is hereby required, at all reasonable hours of the day, to permit all persons interested to inspect during a reasonable time and make extracts from or copies of the said maps, plans, sections, books, writings, extracts and copies of or from the same, so deposited with them respectively, on payment by each person to the clerk of the peace, sheriff clerk, clerk of the parish, schoolmaster, town clerk or postmaster having the custody of any such map, plan, section, book, writing, extract or copy, One Shilling for every such inspection, and the further sum of One Shilling for every hour during which such inspection shall continue after the first hour, and after the rate of Sixpence for every One hundred words copied therefrom.

Clerks of the Peace, &c. to permit such Documents to be inspected or copied by persons interested.

III. And be it further Enacted, That in case any clerk of the peace, sheriff clerk, parish clerk, schoolmaster, town clerk, postmaster or other person, shall in any matter or thing refuse or neglect to comply with any of the provisions hereinbefore contained, every clerk of the peace, sheriff clerk, parish clerk, schoolmaster, town clerk, postmaster or other person shall for every such offence forfeit and pay any sum not exceeding the sum of Five Pounds; and every such penalty shall, upon proof of the offence before any Justice of the Peace for the county within which such offence shall be committed, or by the confession of the party offending, or by the oath of any credible witness, be levied and recovered, together with the costs of the proceedings for the recovery thereof, by distress and sale of the goods and effects of the party offending, by warrant under the hand of such Justice, which warrant such Justice is hereby empowered to grant, and shall be paid to the person or persons making such complaint; and it shall be lawful for any such Justice of the Peace to whom any complaint shall be made of any offence committed against this Act to summon the party complained of before him, and on such summons to hear and determine the matter of such complaint in a summary way, and on proof of the offence to convict the offender, and to adjudge him to pay the penalty or forfeiture incurred, and to proceed to recover the same, although no information in writing or in print shall have been exhibited or taken by or before such Justice; and all such proceedings by summons without information shall be as good, valid and effectual to all intents and purposes as if an information in writing had been exhibited.

Clerks of the Peace, &c. for every omission to comply with the provisions of this Act, liable to the Penalty of 5 *l.*, to be recovered in a summary way.

Appendix (C.)

ANNO NONO VICTORIÆ REGINÆ.

Cap. XX.

AN ACT to amend an Act of the Second Year of Her present Majesty, for providing for the Custody of certain Monies paid in pursuance of the Standing Orders of either House of Parliament by Subscribers to Works or Undertakings to be effected under the Authority of Parliament.

1 & 2 Vict., c. 117.

WHEREAS an Act was passed in the second year of the reign of Her present Majesty Queen Victoria, intituled, "An Act to provide for the Custody of certain Monies paid in pursuance of the Standing Orders of either House of Parliament, by Subscribers to Works or Undertakings to be effected under the Authority of Parliament:" And whereas it is expedient that the said Act should be repealed and should be re-enacted, with such modifications, extensions and alterations as after mentioned: BE it therefore Enacted, by The Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That the said Act shall be and is hereby repealed: Provided always, That all acts done under the provisions of the said Act shall be good, valid and effectual to all intents and purposes, and that all sums of money paid under the provisions of the said Act shall be dealt with in all respects as if this Act had not been passed.

Recited Act repealed. Monies already paid in to be dealt with as directed by former Act.

Authority to deposit.

II. And be it Enacted, That in all cases in which any sum of money is required by any Standing Order of either House of Parliament, either now in force or hereafter to be in force, to be deposited by the subscribers to any work or undertaking which is to be executed under the authority of an Act of Parliament, if the director or person or directors or persons having the management of the affairs of such work or undertaking, not exceeding Five in number, shall apply to one of the Clerks in the office of the Clerk of the Parliaments with respect to any such money required by any Standing Order of the Lords Spiritual and Temporal in Parliament assembled, or to one of the Clerks of the Private Bill Office of the House of Commons with respect to any such money required by any Standing Order of the Commons in Parliament assembled, to be deposited, it shall be lawful for the Clerk so applied to, by warrant or order under his hand, to direct that such sum of money shall be paid in manner hereinafter mentioned; (that is to say) into the Bank of England in the name and with the privity of the Accountant-general of the Court of Chancery in England, if the work or undertaking in respect of which the sum of money is required to be deposited is intended to be executed in that part of the United Kingdom called England; or into any of the Banks in Scotland established by Act of Parliament or Royal Charter in the name and with the privity of The Queen's Remembrancer of the Court of Exchequer in Scotland, at the option of the person or persons making such application as aforesaid, in case such work or undertaking is intended to be executed in that part of the United Kingdom called Scotland; or into the Bank of Ireland in the name and with the privity of the Accountant-general of the Court of Chancery in Ireland, in case such work or undertaking is intended to be made or executed in that part of the United Kingdom called Ireland; and such warrant or order shall be a sufficient authority for the Accountant-general of the Court of Chancery in England, the Queen's Remembrancer of the Court of Exchequer in Scotland, and the Accountant-general of the Court of Chancery in Ireland, respectively, to permit the sum of money directed to be paid by such warrant or order to be placed to an account opened or to be opened in his name in the bank mentioned in such warrant or order.

Payment of Deposit.

III. And be it Enacted, That it shall be lawful for the person or persons named in such warrant or order, or the survivors or survivor of them, to pay the sum mentioned in such warrant or order into the bank mentioned in such warrant or order in the name and with the privity of the officer or person in whose name such sum shall be directed to be paid by such warrant or order, to be placed to his account there ex-parte the work or undertaking mentioned in such warrant or order, pursuant to the method prescribed by any Act or Acts for the time being in force for regulating monies paid into the said Courts, and pursuant to the General Orders of the said Court respectively, and without fee or reward; and every such sum so paid in, or the securities in or upon which the same may be invested as hereinafter mentioned, or the stocks, funds or securities authorized to be transferred or deposited in lieu thereof as hereinafter mentioned, shall there remain until the same, with all interest and dividends (if any) accrued thereon, shall be paid out of such bank, in pursuance of the provisions of this Act: Provided always, That in case any such director or person, directors or persons, having the management of any such proposed work or undertaking as aforesaid, shall have previously invested in the Three per Centum Consolidated or the Three per Centum Reduced Bank Annuities, Exchequer Bills, or other Government Securities, the sum or sums of money required by any such Standing Order of either House of Parliament as aforesaid to be deposited by the subscribers to any work

or

or undertaking which is to be executed under the authority of an Act of Parliament, it shall be lawful for the person or persons named in such warrant or order, or the survivors or survivor of them, to deposit such Exchequer Bills or other Government securities in the bank mentioned in such warrant or order in the name and with the privity of the officer or person in whose name such sum shall by such warrant or order be directed to be paid, or to transfer such Government stocks or funds into the name of the officer or person; and such transfer or deposit shall be directed by such Clerk of the Office of the Clerk of the Parliaments, or such Clerk of the Private Bill Office of the House of Commons, as the case may be, in lieu of payment of so much of the sum of money required to be deposited as aforesaid as the same Exchequer Bills, or other the Government stocks or funds, will extend to satisfy at the price at which the same were originally purchased by the said person or persons, director or directors, as aforesaid, such price to be proved by production of the broker's certificate of such original purchase.

Investment of Deposit.

IV. And be it Enacted, That if the person or persons named in such warrant or order, or the survivors or survivor of them, desire to have invested any sum so paid into the Bank of England or the Bank of Ireland, or any interest or dividend which may have accrued on any stocks or securities so transferred or deposited as aforesaid, the Court in the name of whose Accountant-general the same may have been paid may, on a Petition presented to such Court, in a summary way by him or them, order that such sum or such interest or dividends shall, until the same be paid out to the parties entitled to the same in pursuance of this Act, be laid out in the Three per Centum Consolidated or Three per Centum Reduced Bank Annuities, or any Government security or securities, at the option of the aforesaid person or persons, or the survivor or survivors of them.

Repayment of Deposit.

V. And be it Enacted, That on the termination of the Session of Parliament in which the Petition or Bill for the purpose of making or sanctioning any such work or undertaking shall have been introduced into Parliament, or if such Petition or Bill shall be rejected or finally withdrawn by some proceeding in either House of Parliament, or shall not be allowed to proceed, or if the person or persons by whom the said money was paid or security deposited, shall have failed to present a Petition, or if an Act be passed authorizing the making of such work or undertaking, and if in any of the foregoing cases the person or persons named in such warrant or order, or the survivors or survivor of them, or the majority of such persons, apply by Petition to the Court in the name of whose Accountant-general the sum of money mentioned in such warrant or order shall have been paid, or such Exchequer Bills, stocks, or funds shall have been deposited or transferred as aforesaid, or to the Court of Exchequer in Scotland, in case such sum of money shall have been paid in the name of the said Queen's Remembrancer, the Court in the name of whose Accountant-general or Queen's Remembrancer such sum of money shall have been paid, or such Exchequer Bills, stocks or funds shall have been deposited or transferred, shall by order direct the sum of money paid in pursuance of such warrant or order, or the stocks, funds or securities in or upon which the same may have been invested, and the interest or dividends thereof, or the Exchequer Bills, stocks or funds so deposited or transferred as aforesaid, and the interest and dividends thereof, to be paid or transferred to the party or parties so applying, or to any other person or persons whom they may appoint in that behalf; but no such order shall be made in the case of any such Petition or Bill being rejected or not being allowed to proceed, or being withdrawn or not being presented, or of an Act being passed authorizing the making of such work or undertaking, unless upon the production of the certificate of the Chairman of Committees of the House of Lords with reference to any proceeding in the House of Lords, or of the Speaker of the House of Commons, with reference to any proceeding in the House of Commons, that the said Petition or Bill was rejected or not allowed to proceed, or was withdrawn during its passage through one of the Houses of Parliament, or was not presented, or that such Act was passed, which certificate the said Chairman or Speaker shall grant on the application in writing of the person or persons, or the majority of the persons, named in such warrant, or the survivor or survivors of them: Provided always, That the granting of any such certificate, or any mistake or error therein or in relation thereto, shall not make the Chairman or Speaker signing the same liable in respect of any monies, stocks, funds and securities which may be paid, deposited, invested or transferred in pursuance of the provisions of this Act, or the interest or dividends thereof.

Granting Certificate, &c. not to make the Chairman or Speaker signing the same liable.

STANDING ORDERS relative to PUBLIC MATTERS.

Bills respecting Religion.

[30 April 1772.]

THAT no Bill relating to Religion, or the alteration of the Laws concerning Religion, be brought into this House, until the Proposition shall have been first considered in a Committee of the whole House, and agreed unto by The House.

Bills respecting Trade.

[9 April 1772.]

THAT no Bill relating to Trade, or the alteration of the Laws concerning Trade, be brought into The House, until the Proposition shall have been first considered in a Committee of the whole House, and agreed unto by The House.

Applications for Public Money.

[25 June 1852.]

THAT this House will receive no Petition for any Sum of Money, relating to Public Service, or proceed upon any Motion for granting any Money, but what is recommended from The Crown.

Revenues of India.

[21 July 1856.]

That this House will not receive any Petition, or proceed upon any Motion for a Charge upon the Revenues of India, but what is recommended by the Crown.

[29 March 1707.]

That this House will not proceed upon any Petition, Motion or Bill, for granting any Money, or for releasing or compounding any Sum of Money owing to The Crown, but in a Committee of the whole House.

[25 June 1852.]

That if any Motion be made in The House for any Public Aid, or Charge upon the people, the consideration and debate thereof shall not be presently entered upon, but shall be adjourned till such further day as The House shall think fit to appoint, and then it shall be referred to a Committee of the whole House before any Resolution or Vote of The House do pass therein.

[25 March 1715.]

That this House will not receive any Petition for compounding any Sum of Money owing to The Crown, upon any branch of the Revenue, without a Certificate from the proper Officer or Officers annexed to the said Petition, stating the Debt, what Prosecutions have been made for the Recovery of such Debt, and setting forth how much the Petitioner and his Security are able to satisfy thereof.

[22 February 1821.]

That this House will not proceed upon any Motion for an Address to The Crown, praying that any money may be issued, or that any expense may be incurred, but in a Committee of the whole House.

Pecuniary Penalties.

[24 July 1849.]

THAT with respect to any Bill brought to this House from the House of Lords, or returned by the House of Lords to this House, with Amendments, whereby any pecuniary penalty, forfeiture or fee shall be authorized, imposed, appropriated, regulated, varied, or extinguished, this House will not insist on its ancient and undoubted privileges in the following cases:

1. When the object of such pecuniary penalty or forfeiture is to secure the execution of the Act, or the punishment or prevention of offences.

2. Where such fees are imposed in respect of benefit taken or service rendered under the Act, and in order to the execution of the Act, and are not made payable into the Treasury or Exchequer, or in aid of the Public Revenue, and do not form the ground of public accounting by the parties receiving the same, either in respect of deficit or surplus.

3. When such Bill shall be a Private Bill for a Local or Personal Act.

Temporary Laws.

[24 July 1849.]

THAT the precise duration of every Temporary Law be expressed in a distinct Clause at the end of the Bill.

Presentation of Public Petitions.

[14 April 1842.]

THAT every Member offering to present a Petition to The House, not being a Petition for a Private Bill, or relating to a Private Bill before The House, do confine himself to a statement of the Parties from whom it comes, of the number of signatures attached to it, and of the material allegations contained in it, and to the reading of the prayer of such Petition.

That every such Petition not containing matter in breach of the Privileges of this House, and which, according to the Rules or usual Practice of this House, can be received, be brought to the Table by the direction of The Speaker, who shall not allow any Debate, or any Member to speak upon, or in relation to, such Petition; but it may be read by the Clerk at the Table, if required.

That, in the case of such Petition complaining of some present personal grievance, for which there may be an urgent necessity for providing an immediate remedy, the matter contained in such Petition may be brought into discussion on the presentation thereof.

That all other such Petitions, after they shall have been ordered to lie on the Table, be referred to the Committee on Public Petitions, without any Question being put; but if any such Petition relate to any matter or subject, with respect to which the Member presenting it has given Notice of a Motion, and the said Petition has not been ordered to be printed by the Committee, such Member may, after Notice given, move that such Petition be printed with the Votes.

That, subject to the above regulations, Petitions against any Resolution or Bill imposing a Tax or Duty for the current service of the year, be henceforth received, and the usage under which The House has refused to entertain such Petitions be discontinued.

Members' Places.

The words "Any Member having secured a seat at Prayers shall be entitled to retain the same until the rising of The House," have been added, pursuant to the Order of the House of 29 April 1858.

Members' Places.

[6 April 1835.]

THAT no Member's name be affixed to any seat in the House before the hour of Prayers; and that the Speaker do give directions to the doorkeepers accordingly.

[29 March 1855.]

Any Member having secured a seat at Prayers shall be entitled to retain the same until the rising of The House.

Strangers.

[5 February 1845.]

THAT the Serjeant-at-Arms attending this House do, from time to time, take into his custody any Stranger whom he may see, or who may be reported to him to be, in any part of the House or Gallery appropriated to the Members of this House, and also any Stranger who, having been admitted into any other part of the House or Gallery, shall misconduct himself, or shall not withdraw when Strangers are directed to withdraw, while The House, or any Committee of the whole House, is sitting; and that no person so taken into custody be discharged out of custody without the special order of The House.

That no Member of this House do presume to bring any Stranger into any part of the House or Gallery appropriated to the Members of this House, while The House, or a Committee of the whole House, is sitting.

Prayers.

[25 June 1852.]

THAT the Serjeant-at-Arms attending this House do, from time to time, when the House is going to Prayers, give Notice thereof to all Committees; and that all proceedings of Committees, after such Notice, be declared to be null and void, unless such Committees be otherwise empowered to sit after Prayers.

Letters.

[25 June 1852.]

THAT, to prevent the intercepting or losing of Letters directed to Members of this House, the person appointed to bring Letters from the General Post Office to this House, or some other person to be appointed by the Postmaster-General, do for the future, every day during the Session of Parliament, Sundays excepted, constantly attend, from Ten of the clock in the morning till Seven in the afternoon, at the place appointed for the delivery of the said Letters, and take care, during his stay there, to deliver the same to the several Members to whom they shall be directed, or to their known servant or servants, or other persons bringing notes under the hands of the Members sending for the same.

That the said Officer do, upon his going away, lock up such Letters as shall remain undelivered; and that no Letter be delivered but within the hours aforesaid.

That the said Orders be sent to the Postmaster-General at the commencement of each Session.

That, when any Letter or Packet directed to this House shall come to Mr. Speaker, he do open the same; and acquaint the House, at their next sitting, with the contents thereof, if proper to be communicated to this House.

Public Business.

[25 June 1852, amended 5 August 1853, and 19 July 1854.]

THAT, unless The House shall otherwise direct, all Orders of the Day set down in the Order Book for Mondays, Wednesdays and Fridays, shall be disposed of before The House will proceed upon any Motions of which Notices shall have been given.

That at the time fixed for the commencement of Public Business, on days on which Orders have precedence of Notices of Motions, and after the Notices of Motions have been disposed of on all other days, Mr. Speaker do direct the Clerk at the Table to read the Orders of the Day, without any Question being put.

That the Orders of the Day be disposed of in the order in which they stand upon the Paper; the right being reserved to Her Majesty's Ministers of placing Government Orders at the head of the List, in the rotation in which they are to be taken on the days on which Government Bills have precedence.

That no Notice shall be given beyond the period which shall include the Four Days next following on which Notices are entitled to precedence; due allowance being made for any intervening adjournment of The House, and the period being in that case so far extended as to include Four Notice Days falling during the sitting of The House.

That The House do meet every Wednesday, at Twelve o'clock at noon, for Private Business, Petitions, Orders of the Day, and Notices of Motions, and do continue to sit until Six o'clock, unless previously adjourned.

That when such business has been disposed of, or at Six o'clock precisely, notwithstanding there may be business under discussion, Mr. Speaker do adjourn The House, without putting any Question.

That the business under discussion, and any business not disposed of at the time of such Adjournment, do stand as Orders of the Day for the next day on which The House shall sit.

That at a quarter before Six o'clock on Wednesday, the Debate on any business then under discussion shall stand adjourned to the next day on which The House shall sit; after which no opposed business shall be proceeded with.

That whenever The House shall be in Committee on Wednesday at a quarter before Six o'clock, the Chairman do report Progress, and Mr. Speaker do resume the Chair.

That whenever the House shall meet, for despatch of business, before Two o'clock, except Wednesday and Saturday, unless The House shall otherwise order, The House will resume its sitting at Six o'clock; and when business has not been disposed of at Ten minutes before Four o'clock, unless The House shall otherwise order, Mr. Speaker shall adjourn the Debate on any business then under discussion, or the Chairman shall report Progress, as the case may be; and no opposed business shall then be proceeded with.

That when such business has not been disposed of at Four o'clock, unless The House shall otherwise order, Mr. Speaker (or the Chairman, in case The House shall be in Committee) do leave the Chair, and The House will resume its sitting at Six o'clock, when the Orders of the Day not disposed of at the morning sitting, and any Motion which was under discussion at Ten minutes to Four o'clock, shall be set down in the Order Book after the other Orders of the Day.

That whenever The House shall be in Committee at Four o'clock, the Chairman do report Progress when The House resumes its sitting.

That all Dropped Orders of the Day be set down in the Order Book after the Orders of the Day for the next day on which the House shall sit.

That when any Bill shall be presented by a Member, in pursuance of an Order of this House, or shall be brought from the Lords, the Questions "That this Bill be now read a first time," and "That this Bill be printed," shall be decided without Amendment or Debate.

That

That the Committees of Supply and Ways and Means shall be fixed for Monday, Wednesday and Friday, and may also be appointed for any other day on which Orders of the Day shall have precedence of Notices of Motions.

That when a Bill or other matter (except Supply, or Ways and Means) has been partly considered in Committee, and the Chairman has been directed to report Progress, and ask leave to sit again, and The House shall have ordered that the Committee shall sit again on a particular day, The Speaker shall, when the order for the Committee has been read, forthwith leave the Chair, without putting any question, and The House shall thereupon resolve itself into such Committee.

That at the close of the Proceedings of a Committee of the whole House on a Bill, the Chairman shall report the Bill forthwith to The House, and when Amendments shall have been made thereto, the same shall be received, without debate, and a time appointed for taking the same into consideration.

[21 July 1856.]

That no Amendments, not being merely verbal, shall be made to any Bill on the Third Reading.

[19 July 1854.]

That it be an Instruction to all Committees of the whole House to which Bills may be committed, that they have power to make such Amendments therein as they shall think fit, provided they be relevant to the subject-matter of the Bill; but that if any such Amendments shall not be within the Title of the Bill, they do amend the Title accordingly, and do report the same specially to The House.

That the Questions for reading a Bill a First and Second Time in a Committee of the whole House be discontinued.

That in going through a Bill no Questions shall be put for the filling up words already printed in *italics*, and commonly called blanks, unless exception be taken thereto; and if no alterations have been made in the words so printed in *italics*, the Bill shall be reported without Amendments, unless other Amendments have been made thereto.

That on a Clause being offered in the Committee on the Bill, or on the consideration of Report of a Bill, Mr. Speaker or the Chairman do desire the Member to bring up the same, whereupon it shall be read a First Time without Question put, but no Clause shall be offered on consideration of Report without notice.

That Lords' Amendments to Public Bills shall be appointed to be considered on a future day, unless The House shall order them to be considered forthwith.

That every Report from a Committee of the whole House be brought up without any Question being put.

That Bills which may be fixed for consideration in Committee on the same day, whether in Progress or otherwise, may be referred together to a Committee of the whole House, which may consider on the same day all the Bills so referred to it, without the Chairman leaving the Chair on each separate Bill; provided that, with respect to any Bill not in Progress, if any Member shall object to its consideration in Committee, together with other Bills, the Order of the day for the Committee on such Bill shall be postponed.

Office of Speaker.

[20 July 1855.]

THAT whenever the House shall be informed by the Clerk at the Table of the unavoidable absence of Mr. Speaker, the Chairman of the Committee of Ways and Means do perform the duties and exercise

the authority of Speaker in relation to all proceedings of this House, as Deputy Speaker, until the next meeting of the House, and so on from day to day, on the like information being given to the House, until the House shall otherwise order; provided that if the House shall adjourn for more than twenty-four hours, the Deputy Speaker shall continue to perform the duties and exercise the authority of Speaker for twenty-four hours only after such adjournment.

Strangers and Divisions.

[19 July 1854.]

THAT, except when Mr. Speaker or the Chairman of a Committee of the whole House shall otherwise direct, his order for the withdrawal of Strangers during a Division, shall be understood to apply to Strangers occupying seats below the Bar and in the Front Gallery, and shall be enforced by the Serjeant-at-Arms accordingly.

That so soon as the voices have been taken, the clerk shall turn a two-minute sand-glass, to be kept on the table for that purpose, and the doors shall not be closed until after the lapse of two minutes, as indicated by such sand-glass.

That the doors shall be closed so soon after the lapse of two minutes as the Speaker or the Chairman of the Committee of the whole House shall think proper to direct.

Select Committees.

[21 July 1856.]

THAT on Wednesdays and other Morning Sittings of the House, all Committees shall have leave to sit, except while the House is at Prayers, during the sitting, and notwithstanding any adjournment of the House.

[25 June 1852.]

That no Select Committee shall, without leave of the House, consist of more than Fifteen Members; that such leave shall not be moved for without Notice; and that in the case of Members proposed to be added or substituted after the first appointment of the Committee, the Notice shall include the Names of the Members proposed to be added or substituted.

That every Member intending to move for the appointment of a Select Committee, do endeavour to ascertain previously whether each Member proposed to be named by him, on such Committee, will give his attendance thereupon.

That every Member intending to move for the appointment of a Select Committee, shall, One day next before the nomination of such Committee, place on the Notices the Names of the Members intended to be proposed by him, to be Members of such Committee.

That lists be affixed in some conspicuous place in the Committee Office, and in the Lobby of the House, of all Members serving on each Select Committee.

That to every Question asked of a Witness under examination, in the Proceedings of any Select Committee, there be prefixed in the Minutes of the Evidence the Name of the Member asking such Question.

That

That the Names of the Members present each day on the sitting of any Select Committee be entered on the Minutes of Evidence, or on the Minutes of the Proceedings of the Committee (as the case may be), and reported to the House on the Report of such Committee.

That in the event of any Division taking place in any Select Committee, the Question proposed, the Name of the Proposer, and the respective Votes thereupon of each Member present, be entered on the Minutes of Evidence, or on the Minutes of the Proceedings of the Committee (as the case may be), and reported to the House on the Report of such Committee.

That if, at any time during the sitting of a Select Committee of this House, the Quorum of Members fixed by the House shall not be present, the Clerk of the Committee shall call the attention of the Chairman to the fact, who shall thereupon suspend the Proceedings of the Committee until a Quorum be present, or adjourn the Committee to some future day.

[5 August 1853.]

A TABLE of the FEES to be charged at The House of Commons.

FEES to be paid by the PROMOTERS of a PRIVATE BILL.

	£.	s.	d.
On the deposit of the Petition, Bill, Plan, or any other Document in the Private Bill Office	5	–	–
For every day on which the Examiners shall inquire into the compliance with the Standing Orders	5	–	–
For Proceedings in the House.			
On the presentation of the Petition for the Bill	5	–	–
On the First Reading of the Bill	15	–	–
On the Second Reading of the Bill	15	–	–
On the Report from the Committee on the Bill	15	–	–
On the Third Reading of the Bill	15	–	–

Bills from the Lords, commonly called Estate Bills, Divorce Bills, Naturalization Bills and Name Bills, to be charged only one-half of the preceding Fees.

The preceding Fees on the Petition, First, Second and Third Readings, and Report, to be increased according to the money to be raised or expended under the authority of any Bill for the execution of a Work, in conformity with the following Scale :—

If the sum be	50,000*l.*,	and under	100,000*l.*	twice the amount of such Fees.	
„	100,000*l.*	„	200,000*l.*	three times	„
„	200,000*l.*	„	300,000*l.*	four „	„
„	300,000*l.*	„	400,000*l.*	five „	„
„	400,000*l.*	„	500,000*l.*	six „	„
„	500,000*l.*	„	750,000*l.*	seven „	„
„	750,000*l.*	„	1,000,000*l.*	eight „	„
„	1,000,000*l.*	„	1,500,000*l.*	nine „	„
„	1,500,000*l.*	„	2,000,000*l.*	ten „	„

And at the same rate of increase for every additional 500,000*l.*, up to five millions, and further at the like rate of increase for every additional million beyond five millions.

For Proceedings before any Committee.

For every day on which the Committee shall sit,—	£.	s.	d.
If the Promoters of the Bill appear by Counsel	10	–	–
If they appear without Counsel	5	–	–

FEES to be paid by the OPPONENTS of a PRIVATE BILL.

	£.	s.	d.
On the deposit of every Memorial complaining that the Standing Orders have not been complied with	1	–	–
On the presentation or deposit of every Petition against a Private Bill	2	–	–

For PROCEEDINGS before the EXAMINERS, or before any COMMITTEE.

	£.	s.	d.
For every day on which the Examiners shall inquire into any Memorial complaining of a non-compliance with the Standing Orders	3	–	–
For every day on which the Petitioners appear by Counsel before any Committee	5	–	–
If they appear without Counsel	3	–	–

GENERAL FEES.

	£.	s.	d.
On every Motion, Order or Proceeding in the House upon a Private Bill, Petition, or matter not otherwise charged	1	–	–
For Copies of all Papers and Documents, at the rate of 72 words in every folio,—			
If five folios or under	–	2	6
If above five folios, per folio	–	–	6
For the Copy of a Plan made by the parties	1	–	–
For the inspection of a Plan, or of any document	–	5	–
For every Plan or Document certified by The Speaker pursuant to any Act of Parliament	10	–	–
For every day on which any parties shall be heard by Counsel at the Bar, from each side	10	–	–
For every day on which a Committee of the whole House shall sit on a Private Bill or matter	6	–	–
For serving any Summons or Order on a Private Bill or matter	1	–	–
For Riding Charges, if on any Private Bill or matter, per mile	–	1	–
For every Order for the commitment or discharge of any person	1	–	–
For taking any person into custody for a Breach of Privilege or Contempt	5	–	–
For taking any person into custody for any other cause	2	–	–
For every day on which any person shall be in custody	1	–	–
For Riding Charges, per mile	–	–	6

FEES to be paid on the TAXATION of COSTS on PRIVATE BILLS.

	£.	s.	d.
For every application or reference to "The Taxing Officer of the House of Commons," for the Taxation of a Bill of Costs	1	–	–
For every £.100 of any Bill which shall be allowed by the Taxing Officer	1	–	–
For every Bill under £.100	1	–	–
On the deposit of every Memorial complaining of a Report of the Taxing Officer	1	–	–
For every Certificate which shall be signed by The Speaker	1	–	–
For Copies of any Documents in the office of the Taxing Officer, per folio of seventy-two words	–	1	–

That the same Fees be paid in case The Speaker shall refer to the Taxing Officer any Bill of Costs, under the authority of an Act of the sixth year of his late Majesty King George the Fourth, "To establish a Taxation of Costs on Private Bills in the House of Commons."

That every Bill for the particular interest or benefit of any person or persons, whether the same be brought in upon Petition, or Motion, or Report from a Committee, or brought from the Lords, hath been and ought to be deemed a Private Bill within the meaning of the Table of Fees.

FEES to be taken by the Short Hand Writer.	£.	s.	d.
For every day he shall attend - - - - - -	2	2	–
For the transcript of his notes, per folio of 72 words - -	–	–	9

The preceding Fees shall be charged, paid and received at such times, in such manner, and under such regulations, as The Speaker shall from time to time direct.

Veneris, 25° *die Junii*, 1852.

Ordered, That the said Table of Fees be a Standing Order of this House.

REPORT

FROM THE

SELECT COMMITTEE

ON

STANDING ORDERS REVISION.

1857-8.

Ordered, by The House of Commons, *to be Printed,*
23 *July* 1858.

460.

Under 12 oz.

REPORT

FROM THE

COMMITTEE

UPON

EXPIRING LAWS:

FOR THE

II[ND] Session—XVII[TH] Parliament of the United Kingdom of GREAT BRITAIN and IRELAND.

(21 VICTORIA, 1858.)

Ordered, by The House of Commons, *to be Printed,*
29 *June* 1858.

Martis, 22° die Junii, 1858.

Ordered, THAT a Committee be appointed to inquire what Temporary Laws of a Public and General Nature were in force on the 1st day of January last, and what Laws of the like nature expired between the time to which the last Report on the subject was made up and the said 1st day of January; and also which of the said Laws in force on the said 1st day of January last are limited to expire at particular periods, or in consequence of any contingent public event; and to report the same, with their Observations thereupon, to The House;—and that the Committee do consist of—

Mr. Hamilton,	Sir William Jolliffe,
Mr. Fitzroy,	General Peel,
Mr. Attorney-General,	Mr. William Williams,
Mr. Solicitor-General,	Lord Naas,
Mr. Adderley,	Lord John Manners,
Mr. Cowper,	Mr. Hardy.

Ordered, THAT the Committee have power to send for Persons, Papers and Records.

Ordered, That FIVE be the Quorum of the Committee.

REPORT.

THE SELECT COMMITTEE appointed to inquire what TEMPORARY LAWS of a Public and General Nature WERE IN FORCE on the 1st day of January last, and what Laws of the like nature EXPIRED between the time to which the last Report on the subject was made up and the said 1st day of January; and also which of the said Laws in force on the said 1st day of January last ARE LIMITED TO EXPIRE at particular Periods, or in consequence of any Contingent Public Event; and to report the same, with their Observations thereupon, to The HOUSE:—

HAVE considered the Matters to them referred, and agreed to the following Report.

29 *June* 1858.

LIST.

REGISTER OF TEMPORARY LAWS NOW IN FORCE - - - - p. 5

EXPIRED LAWS (from 30 April 1857 to 1 January 1858) - - - - - - p. 15

INDEX OF TEMPORARY LAWS:—

CLASS I.—TEMPORARY LAWS the Duration of which is certain, unless so far as they depend on the Sitting of Parliament - - - - - p. 16

CLASS II.—TEMPORARY LAWS the Duration of which is uncertain - - - p. 18

INDEX TO LAWS which were inserted in the Register of Temporary Laws then in force in the last Report of the Committee on Expiring Laws (2 July 1857), but which are now omitted - - - - - - - - - - - - p. 19

INDEX of the Subject-Matter of the ACTS contained in this Report - - - p. 20

REGISTER OF TEMPORARY LAWS

IN FORCE ON 1ST JANUARY 1858.

Matter.	Date.	Ch.	When passed.	Title of the Act.	Duration.
1. BANK of ENGLAND INCORPORATION.	5,6 W.&M.	20, §20. 21.	7 Nov. 1693.	For granting to their Majesties several Rates and Duties upon Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors; for securing certain Recompences and Advantages, in the said Act mentioned, to such Persons as shall voluntarily advance the Sum of £.1,500,000. towards the carrying on the War against France.	
	8, 9 W. 3.	20, §26. 27.			
	N. B. Clauses for continuing this Corporation in successive Loan Acts down to				
	19, 20 Vict.	21.	5 June 1856.	Bank continued as a Corporation - - -	Till payment of Sums due to the Bank, and Redemption of all Bank Annuities created by Parliament.
				Note.—As to the Bank of England Privileges, *see* No. 8.	
2. BANK of IRELAND.	Acts of the Parliament of Ireland.				
	21,22 Geo. 3.	16.	1781.	For establishing a Bank, by the Name of The Governor and Company of the Bank of Ireland.	
	amended by				
	31 Geo. 3.	22.			
	37 Geo. 3.	50.			
	Acts of the United Parliament.				
	48 Geo. 3.	103.			
	1,2 Geo. 4.	72.			
	3 Geo. 4.	26.			
	7 Will. 4. & 1 Vict.	59.			
	1, 2 Vict.	81.			
	2, 3 Vict.	91.			
	3, 4 Vict.	75.			
	8, 9 Vict.	37.	21 July 1845.	Bank of Ireland continued as a Corporation, and may be dissolved,	After 1 January 1855, on Twelve Months' Notice, and repayment of Debt due from the Public to the Bank.

REGISTER OF TEMPORARY LAWS NOW IN FORCE—*continued.*

Matter.	*Date.*	*Ch.*	*When passed.*	*Title of the Act.*	*Duration.*	
3. FOREIGN TRADE.	59 Geo. 3.	54.	2 July 1819.	To carry into effect a Convention of Commerce concluded between His Majesty and the United States of America, and a Treaty with the Prince Regent of Portugal.	Duration of Treaty with any Foreign Power, containing Reciprocity Provision.	
	explained & extended					
	8, 9 Vict.	90.	4 Aug. 1845.			
	but *see*					
	16, 17 Vict.	107.	20 Aug. 1853.			
4. HIGHLAND ROADS and BRIDGES (Scotland).	4 Geo. 4.	56.	8 July 1823.	For maintaining in repair the Military and Parliamentary Roads and Bridges in the Highlands of Scotland; and also certain Ferry Piers and Shipping Quays erected by the Commissioners for Highland Roads and Bridges.	24 July and END of then NEXT SESSION.	1864
	amended					
	5 Geo. 4.	38.				
	amended and continued by					
	3, 4 Will. 4.	33.	24 July 1833.			
	extended					
	11, 12 Vict.	40.	14 Aug. 1848.			
	14, 15 Vict.	66.	7 Aug. 1851.			
5. COAL TRADE (PORT OF LONDON.)	1, 2 Will. 4.	lxxvi.	Local.	For regulating the Vend and Delivery of Coals in the Cities of London and Westminster, and in certain Parts of the Counties of Middlesex, Surrey, Kent, Essex, Hertfordshire, Buckinghamshire and Berkshire.	5 July	1862
	continued					
	8, 9 Vict.	101.	4 Aug. 1845.			
6. WEST INDIES RELIEF.	2, 3 W. 4.	125.	16 Aug. 1832.	For enabling His Majesty to direct the Issue of Exchequer Bills, to a limited Amount, for the Purposes and in the Manner therein mentioned, and for giving Relief to Trinidad, British Guiana and Saint Lucia.		
	extended to Dominica					
	5, 6 W. 4.	51.				
	amended by					
	7, 8 Vict.	17.				
	8, 9 Vict.	50.				
	11, 12 Vict.	38.	14 Aug. 1848.	Powers of Commissioners continued - -	Until Loan of £. 995,000 under the Act shall have been advanced, or the Commissioners of Her Majesty's Treasury shall sooner determine.	

REGISTER OF TEMPORARY LAWS NOW IN FORCE—*continued.*

Matter.	*Date.*	*Ch.*	*When passed.*	*Title of the Act.*	*Duration.*	
7. EAST INDIA COMPANY'S DIVIDEND.	3, 4 Will. 4.	85.	28 Aug. 1833.	For effecting an Arrangement with the East India Company, and for the better Government of His Majesty's Indian Territories.		
	amended by					
	16, 17 Vict.	95.	20 Aug. 1853.	3 & 4 Will. 4, c. 85, § 12. Dividend out of Revenues of Territories retained, subject to Redemption by Parliament (on 12 Months' notice) upon and at any time after - -	30 April	1874
				§ 13. If the Company be deprived of the Government of India on or after 30th April 1854, they may (within one year) demand Redemption of the Dividend, and Dividend must be redeemed within three years after such demand.		
8. BANK OF ENGLAND PRIVILEGES.	3, 4 W. 4.	98.	29 Aug. 1833.	For giving to the Corporation of the Governor and Company of the Bank of England certain Privileges for a limited Period, under certain Conditions.	Determinable on 12 Months' Notice, after 1 August 1855, and on Repayment of the Debt due from the Public to the Bank.	
	amended by					
	7, 8 Vict.	32.				
9. LINEN, HEMPEN, COTTON and other MANUFACTURES (Ireland.)	5, 6 Will. 4.	27.	21 Aug. 1835.	To continue and amend certain Regulations for the Linen and Hempen Manufactures in Ireland.	24 July	1859
	amended					
	3, 4 Vict.	91.	10 Aug. 1840.	For the more effectual Prevention of Frauds and Abuses committed by Weavers, Sewers and other Persons employed in the Linen, Hempen Union, Cotton, Silk and Woollen Manufactures in Ireland, and for the better Payment of their Wages, for One Year, and from thence to the End of the then next Session of Parliament.		
	continued and amended.					
	5, 6 Vict.	68.				
	7, 8 Vict.	47.				
	17, 18 Vict.	46.	24 July 1854.			
10. CIVIL LIST.	1, 2 Vict.	2.	23 Dec. 1837.	For the Support of Her Majesty's Household, and of the Honour and Dignity of the Crown of the United Kingdom of Great Britain and Ireland - - - - - -	6 Months after the Death of Her Majesty.	
11. PRISONS (Scotland).	2, 3 Vict.	42.	17 Aug. 1839.	To improve Prisons and Prison Discipline in Scotland.	1 January and END of then NEXT SESSION.	1861
	continued and amended					
	*7, 8 Vict.	34.	19 July 1844.	* Note.—The Title of this Act differs from the enacting Clause § 32, as to its duration.		
	and amended					
	14, 15 Vict.	27.	24 July 1851.			

REGISTER OF TEMPORARY LAWS NOW IN FORCE—*continued.*

Matter.	*Date.*	*Ch.*	*When passed.*	*Title of the Act.*	*Duration.*	
12. OATHS, UNLAWFUL. (Ireland).	2, 3 Vict. continued and amended	74.	24 Aug. 1839.	To extend and render more effectual an Act [4 Geo. 4, c. 87] to amend an Act [50 Geo. 3, c. 102] for preventing the administering and taking unlawful Oaths in Ireland.	29 July and END of then NEXT SESSION.	1861
	11, 12 Vict. continued	89.	31 Aug. 1848.			
	19, 20 Vict.	78.	29 July 1856.			
13. POOR RATES, STOCK IN TRADE EXEMPTION.	3, 4 Vict. continued	89.	10 Aug. 1840.	To exempt Inhabitants of Parishes, Townships, and Villages from liability to be rated as such, in respect of Stock in Trade or other Property, to the Relief of the Poor, until - - -	1 October and END of then NEXT SESSION.	1859
	19, 20 Vict.	42.	7 July 1856.			
14. LOAN SOCIETIES.	3, 4 Vict. revived & continued	110.	11 Aug. 1840.	To amend the Laws relating to Loan Societies.	1 August	1858
	20, 21 Vict.	41.	17 Aug. 1857.			
15. SURVEY of GREAT BRITAIN.	4, 5 Vict. amended and continued	30.	21 June 1841.	To authorize and facilitate the Completion of a Survey of Great Britain, Berwick-upon-Tweed and the Isle of Man.	31 December	1861
	19, 20 Vict.	61.	21 July 1856.			
16. HIGHWAY RATES. (E.)	4, 5 Vict. continued	59.	22 June 1841.	To authorize the Application of a Portion of the Highway Rates to Turnpike Roads, in certain Cases.	1 October and END of then NEXT SESSION.	1860
	17, 18 Vict.	52.	31 July 1854.			
17. LUNATIC ASYLUMS (Ireland).	5, 6 Vict. continued	123.	12 Aug. 1842.	For amending the Law relating to Private Lunatic Asylums in Ireland.	1 August and END of then NEXT SESSION.	1860
	18, 19 Vict.	76.	30 July 1855.			
18. APPREHENSION OF OFFENDERS (France).	6, 7 Vict. amended	75.	22 Aug. 1843.	For giving Effect to a Convention between Her Majesty and the King of the French for the Apprehension of certain Offenders.	Continuance of said Convention.	
	8, 9 Vict.	120.	8 Aug. 1845.			
19. APPREHENSION OF OFFENDERS (America).	6, 7 Vict. amended	76.	22 Aug. 1843.	For giving Effect to a Treaty between Her Majesty and the United States of America for the Apprehension of certain Offenders.	Continuance of Tenth Article of said Treaty.	
	8, 9 Vict.	120.	8 Aug. 1845.			

REGISTER OF TEMPORARY LAWS NOW IN FORCE—*continued.*

Matter.	*Date.*	*Ch.*	*When passed.*	*Title of the Act.*	*Duration.*	
20. COURTS MARTIAL (East Indies).	7, 8 Vict.	18.	6 June 1844.	To remove Doubts as to the Power of appointing, convening and confirming the Sentences of Courts Martial in the East Indies.	Continues, so far as regards Officers and Soldiers in Her Majesty's Service, during the continuance of any Act for punishing Mutiny and Desertion, &c.	
21. DUCHY OF CORNWALL.	7, 8 Vict.	65.	6 Aug. 1844.	To enable the Council of His Royal Highness Albert Edward Prince of Wales to sell and exchange Lands and enfranchise Copyholds, Parcel of the Possessions of the Duchy of Cornwall, to purchase other Lands, and for other Purposes.	Certain Provisions continue during Minority of the Prince of Wales.	
22. POOR LAWS (Ireland).	10, 11 Vict.	90.	22 July 1847.	To provide for the Execution of the Laws for Relief of the Poor in Ireland.		
	amended 14, 15 Vict.	68.				
	continued 17, 18 Vict.	63.	31 July 1854.	As to appointment of Commissioners, &c.	23 July and END of then NEXT SESSION.	1859
23. ECCLESIASTICAL JURISDICTION.	10, 11 Vict.	98.	22 July 1847.	To amend the Law as to Ecclesiastical Jurisdiction in England.		
	continued 20 Vict.	10.	21 Mar. 1857.	As to certain Provisions - - - -	1 August and END of then NEXT SESSION.	1857
24. POOR LAW.	10, 11 Vict.	109.	23 July 1847.	For the Administration of the Laws for Relief of the Poor in England.		
	continued 17, 18 Vict.	41.	24 July 1854.	As to appointment of Commissioners, &c.	23 July and END of then NEXT SESSION.	1859
25. CRIME AND OUTRAGE (Ireland).	11, 12 Vict.	2.	20 Dec. 1847.	For the better Prevention of Crime and Outrage in certain Parts of Ireland.	1 July	1858
	continued in part, with Amendments.					
	19, 20 Vict.	36.	30 June 1856.	For the better Preservation of the Peace in Ireland.		
	aended 20, 21 Vict.	7.	3 July 1857.			

REGISTER OF TEMPORARY LAWS NOW IN FORCE—*continued.*

Matter.	*Date.*	*Ch.*	*When passed.*	*Title of the Act.*	*Duration.*	
26. COUNTY CESS, IRELAND.	11, 12 Vict.	32.	22 July 1848.	To facilitate the Collection of County Cess in Ireland.	31 December	1859
	revised and continued					
	20, 21 Vict.	7.	3 July 1857.			
27. NAVAL MEDICAL SUPPLEMENTAL FUND SOCIETY.	11, 12 Vict.	58.	14 Aug. 1848.	To authorize an Alteration of the Annuities and Premiums of the Naval Medical Supplemental Fund Society.	14 August and END of then NEXT SESSION.	1858
28. SHEEP AND CATTLE (Diseased).	11, 12 Vict.	107.	4 Sept. 1848.	To prevent the spreading of contagious or infectious Disorders among Sheep, Cattle and other Animals.	1 August and END of then NEXT SESSION.	1857
	extended and continued					
	16, 17 Vict.	62.	4 Aug. 1853.			
	19, 20 Vict.	101.	29 July 1856.			
29. POOR LAW UNION CHARGES.	11, 12 Vict.	110.	4 Sept. 1848.	To alter the Provisions relating to the Charges for the Relief of the Poor in Unions.		
	amended and continued					
	12, 13 Vict.	103.	1 Aug. 1849.			
	continued (except as to Provisions repealed)			Temporary as to certain Provisions.		
	20 Vict.	18.	21 Mar. 1587.	- - - - - - - - - -	30 September and END of then NEXT SESSION.	1858
30. SAVINGS BANKS (Ireland).	11, 12 Vict.	133.	5 Sept. 1848.	To amend the Laws relating to Savings Banks in Ireland.	1 January and END of then NEXT ENSUING SESSION.	1858
	continued					
	17, 18 Vict.	50.	24 July 1854.			
31. APPREHENSION OF DESERTERS (Portugal).	12, 13 Vict.	25.	26 June 1849.	For giving Effect to the Stipulations of a Treaty between Her Majesty and the Queen of Portugal, for the Apprehension of certain Deserters.	Continuance of Treaty.	
32. INCUMBERED ESTATES (Ireland).	12, 13 Vict.	77.	28 July 1849.	Further to facilitate the Sale and Transfer of Incumbered Estates in Ireland.		
	amended and continued					
	16, 17 Vict.	64.	15 Aug. 1853.	As to applications for sales - - -	28 July	1858
	19, 20 Vict.	67.	21 July 1856.	As to appointment of Commissioners, &c. -	15 Aug. and END of then NEXT SESSION.	1857

REGISTER OF TEMPORARY LAWS NOW IN FORCE—*continued.*

Matter.	*Date.*	*Ch.*	*When passed.*	*Title of the Act.*	*Duration.*	
33. ALTERATIONS IN PLEADINGS.	13, 14 Vict.	16.	31 May 1850.	To enable the Judges of the Courts of Common Law at Westminster to alter the Forms of Pleading.	25 May	1860
	continued					
	18, 19 Vict.	26.	25 May 1855.			
34. COPYHOLD INCLOSURE and TITHE COMMISSIONS.	14, 15 Vict.	53.	1 Aug. 1851.	To consolidate and continue the Copyhold and Inclosure Commissions, and to provide for the Completion of Proceedings under the Tithe Commutation Acts. Temporary as to appointment of Commissioners, &c.	1 August and END of then NEXT SESSION.	1857
	continued					
	20 Vict.	8.	21 Mar. 1857.			
35. THE RAILWAYS ACT (Ireland) 1851.	14, 15 Vict.	70.	7 Aug. 1851.	To alter and amend certain Provisions of the Lands Clauses Consolidation Act, 1845, so far as relates to Ireland.	29 July and END of then NEXT SESSION.	1857
	continued					
	19, 20 Vict.	72.	29 July 1856.			
36. EPISCOPAL and CAPITULAR ESTATES MANAGEMENT.	14, 15 Vict.	104.	8 Aug. 1851.	To facilitate the Management and Improvement of Episcopal and Capitular Estates in England.	1 January and END of then NEXT SESSION.	1860
	continued and amended					
	17, 18 Vict.	116.	11 Aug. 1854.			
	20, 21 Vict.	74.	25 Aug. 1857.			
37. INCOME TAX.	16, 17 Vict.	34.	28 June 1853.	For granting to Her Majesty Duties on Profits arising from Property, Professions, Trades and Offices.	6 April, except as to Arrears, &c.	1860
	20 Vict.	6.	21 Mar. 1857.	To reduce the Rates of Duty on Profits arising from Property, Professions, Trades and Offices. *Note.*—From 5 April 1858, the Duties granted by the 16 & 17 Vict. c. 34, are to revive during the remainder of the Term therein limited.	5 April inclusive.	1858
38. INSURANCE ON LIVES. (Abatement of Income Tax.)	16, 17 Vict.	91.	20 Aug 1853.	To extend for a limited Time the Provision for Abatement of Income Tax in respect of Insurances on Lives.	6 April	1860
	amended and continued					
	18, 19 Vict.	35.	26 June 1855.			
	continued					
	20, 21 Vict.	5.	3 July 1857.			

REGISTER OF TEMPORARY LAWS NOW IN FORCE—*continued.*

Matter.	*Date.*	*Ch.*	*When passed.*	*Title of the Act.*	*Duration.*	
39. CHARITABLE TRUSTS ACTS.	16, 17 Vict.	137.	20 Aug. 1853.	For the better Administration of Charitable Trusts.		
	18, 19 Vict. continued	124.	14 Aug. 1855.	To amend the Charitable Trusts Act, 1853.		
	20, 21 Vict.	76.	25 Aug. 1857.	Both Acts temporary as to exemption of Roman Catholic Charities.	1 September	1858
40. OXFORD UNIVERSITY.	17, 18 Vict. amended	81.	7 Aug. 1854.	To make further Provision for the good Government and Extension of the University of Oxford, of the Colleges therein, and of the College of St. Mary, Winchester.		
	19, 20 Vict. continued	31.	23 June 1856.			
	20, 21 Vict.	25.	10 Aug. 1857.	Temporary as to the Powers of the Commissioners.	1 July	1858
41. PUBLIC HEALTH.	17, 18 Vict. continued	95.	10 Aug. 1854.	To make better Provision for the Administration of the Laws relating to the Public Health. Temporary as to appointment of General Board of Health.		
	20, 21 Vict.	38.	17 Aug. 1857.	- - - - - - - - -	1 September	1858
42. CORRUPT PRACTICES PREVENTION ACT, 1854.	17, 18 Vict. continued	102.	10 Aug. 1854.	To consolidate and amend the Laws relating to Bribery, Treating and undue Influence at Elections of Members of Parliament.	10 August and END of then NEXT SESSION.	1857
	19, 20 Vict.	84.	29 July 1856.			
43. INCUMBERED ESTATES (West Indies.)	17, 18 Vict.	117.	11 Aug. 1854.	To facilitate the Sale and Transfer of Incumbered Estates in the West Indies.		
				Temporary as to the offices, &c. of Commissioners - - - - - - - -	2 February and until the NEXT SESSION.	1863
				* *Note.*—The Act took effect upon the issuing of an Order in Council dated 2 February 1857, in St. Vincent and its Dependencies.		
44. ARMY SERVICE ACT AMENDMENT.	18, 19 Vict.	4.	27 Feb. 1855.	To amend the Act for limiting the Time of Service in the Army.	27 February	1858

REGISTER OF TEMPORARY LAWS NOW IN FORCE—*continued.*

Matter.	*Date.*	*Ch.*	*When passed.*	*Title of the Act.*	*Duration.*	
45. TREASURERS OF COUNTIES (Ireland).	18, 19 Vict.	74.	30 July 1855.	To enable Grand Juries of Counties in Ireland to present for Payment of Expenses in certain Cases.	1 August and END of then NEXT SESSION.	1857
46. COAL MINES INSPECTION.	18, 19 Vict.	108.	14 Aug. 1855.	To amend the Law for the Inspection of Coal Mines in Great Britain -	14 August and END of then NEXT SESSION.	1860
47. UNION OF CONTIGUOUS BENEFICES.	18, 19 Vict.	127.	14 Aug. 1855.	To make better Provision for the Union of Contiguous Benefices, and to facilitate the Building and Endowing of New Churches in Spiritually Destitute Districts.	14 August	1860
48.	19, 20 Vict.	8.	14 Mar. 1856.	For the Regulation of Her Majesty's Royal Marine Forces while on Shore.		
MUTINY ACT (Marine Forces).	20 Vict.	14.	21 Mar. 1857.	Continuance: In Great Britain - - -	25 April	1858
				- - - - Ireland, Jersey, Guernsey, Alderney, Sark and Isle of Man	1 May	
				- - - - Gibraltar, Spain and Portugal -	25 July	
				- - - - Elsewhere in Europe, and the West Indies, North America, and Cape of Good Hope -	25 Sept.	
				- - - - Elsewhere - - - -	25 Nov.	
49. MUTINY ACT (Army).	19, 20 Vict.	10.	14 Mar. 1856.	For punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.		
	20 Vict.	13.	21 Mar. 1857.	Continuance: In Great Britain - - -	25 April	1858
				- - - - Ireland, Jersey, Guernsey, Alderney, Sark and Isle of Man	1 May	
				- - - - Gibraltar, the Mediterranean, Spain and Portugal - -	1 August	
				- - - - Elsewhere in Europe, and in the West Indies and America -	1 Sept.	
				- - - - Cape of Good Hope, Isle of France or Mauritius, St. Helena, and Western Coast of Africa - - - -	1 January	1859
				- - - - Elsewhere - - - -	1 February	1860
50. TURNPIKE ACTS (Ireland).	19, 20 Vict.	71.	29 July 1856.	To continue certain Acts for regulating Turnpike Roads in Ireland.	31 July and END of then NEXT SESSION.	1857

REGISTER OF TEMPORARY LAWS NOW IN FORCE—*continued.*

Matter.	*Date.*	*Ch.*	*When passed.*	*Title of the Act.*	*Duration.*	
51. CAMBRIDGE UNIVERSITY.	19, 20 Vict.	88.	29 July 1856.	To make further Provision for the good Government and Extension of the University of Cambridge, of the Colleges therein, and of the College of King Henry the Sixth at Eton. Temporary as to the Powers of the Commissioners.	1 January, but may be continued by Order of Her Majesty in Council until 1 January	1859 1860
52. INDEMNITY OFFICES, &c.	20 Vict.	7.	21 Mar. 1857.	To indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively until - - - - - - -	25 March and END of then SESSION.	1858
53. MILITIA BALLOTS SUSPENSION.	20, 21 Vict.	21.	10 Aug. 1857.	To suspend the making of Lists and the Ballots for the Militia of the United Kingdom.	1 October	1858
54. TURNPIKE ACTS, (G. B.)	20, 21 Vict.	24.	10 Aug. 1857.	To continue certain Turnpike Acts in Great Britain.		
				As to certain Acts - - - - - -	1 October and END of then NEXT SESSION.	1858
				As to certain Acts - - - - - -	1 November	1858
55. CUSTOMS AND EXCISE DUTIES.	20, 21 Vict.	61.	25 Aug. 1857.	For granting certain Duties of Customs and Excise.	31 March	1860
56. MILITIA PAY (G. B. & I.)	20, 21 Vict.	65.	25 Aug. 1857.	To defray the Charge of the Pay, Clothing, and Contingent and other Expenses of the Disembodied Militia in Great Britain and Ireland; to grant Allowances to certain Officers of the Militia; and to authorize the Employment of the Non-commissioned Officers.	1 September	1858
57. MILITIA, EMBODYING.	20, 21 Vict.	82.	25 Aug. 1857.	To authorize the Embodying of the Militia. Temporary as to Powers of embodying the Militia.	25 March	1858

EXPIRED LAWS:

VIZ.

FROM 30 APRIL 1857 TO 1 JANUARY 1858.

Subject.	*Original Act.*	*Last continuing Act.*	*Term of Expiration.*
SPIRITS (Ireland.)	17, 18 Vict. c. 89	17, 18 Vict. c. 89	10 August 1857

INDEX OF TEMPORARY LAWS.

Class I.

TEMPORARY LAWS

THE DURATION OF WHICH IS CERTAIN, UNLESS SO FAR AS THEY DEPEND ON THE SITTING OF PARLIAMENT.

ARRANGED IN ORDER OF THEIR DURATION.

* The ACTS having this mark, are continued to the Date set against them, and to the End of the then next Session.

† The ACTS having this mark, are continued to the Date set against them, and to the End of the then Session.

No.	*Matter.*	*Date of last continuing Act.*	*Duration.*
35	Railways Act (Ireland) 1851	19, 20 Vict. c. 72	29 July 1857*
50	Turnpike Acts (Ireland)	19, 20 Vict. c. 71	31 July 1857*
34	Copyhold Inclosure and Tithe Commissions	20 Vict. c. 8	1 August 1857*
23	Ecclesiastical Jurisdiction	20 Vict. c. 10	1 August 1857*
28	Sheep and Cattle (Diseased)	19, 20 Vict. c. 101	1 August 1857*
45	Treasurers of Counties (Ireland)	18, 19 Vict. c. 74	1 August 1857*
42	Corrupt Practices Prevention Act, 1854	19, 20 Vict. c. 84	10 August 1857*
30	Savings Banks (Ireland)	17, 18 Vict. c. 50	1 January 1858*
44	Army Service Act Amendment	18, 19 Vict. c. 4	27 February 1858
52	Indemnity	20 Vict. c. 7	25 March 1858†
57	Militia, Embodying	20, 21 Vict. c. 82	25 March 1858
49	Mutiny	20 Vict. c. 13	25 April 1858
48	Mutiny (Marine Forces)	20 Vict. c. 14	
40	Oxford University	20, 21 Vict. c. 25	1 July 1858
25	Crime and Outrage (Ireland)	19, 20 Vict. c. 36	1 July 1858
32	Incumbered Estates (Ireland)	16, 17 Vict. c. 64 19, 20 Vict. c. 67	15 August 1857* 28 July 1858
14	Loan Societies	20, 21 Vict. c. 41	1 August 1858
27	Naval Medical Supplemental Fund Society	11, 12 Vict. c. 58	14 August 1858*
41	Public Health	20, 21 Vict. c. 38	1 September 1858
56	Militia Pay (G. B. & I.)	20, 21 Vict. c. 65	1 September 1858
39	Charitable Trusts Acts, 1853	20, 21 Vict. c. 76	1 September 1858
29	Poor Law Union Charges	20 Vict. c. 18	30 September 1858*
53	Militia Ballots Suspension	20, 21 Vict. c. 21	1 October 1858
54	Turnpike Acts (G. B.)	20, 21 Vict. c. 24	1 October 1858* 1 November 1858

CLASS I.—TEMPORARY LAWS THE DURATION OF WHICH IS CERTAIN, &c.—*continued.*

No.	*Matter.*	*Date of last continuing Act.*	*Duration.*
51	Cambridge University - - - -	19, 20 Vict. c. 88 -	1 January - 1859
24	Poor Law - - - - - - - -	17, 18 Vict. c. 41 -	23 July - - 1859*
22	Poor Laws (Ireland) - - - - -	17, 18 Vict. c. 63 -	
9	Linen, Hempen, &c. Manufactures (Ireland) -	17, 18 Vict. c. 46 -	24 July - - 1859
13	Poor Rates, Stock in Trade Exemption -	19, 20 Vict. c. 42 -	1 October - 1859*
26	County Cess (Ireland) - - - -	20, 21 Vict. c. 7 -	31 December 1859
36	Episcopal and Capitular Estates Management	20, 21 Vict. c. 74 -	1 January - 1860*
55	Customs and Excise Duties - - -	20, 21 Vict. c. 61 -	31 March - 1860
38	Insurance on Lives (Abatement of Income Tax) - - - - - - - - -	20, 21 Vict. c. 5 -	6 April - - 1860
37	Income Tax - - - - - - -	16, 17 Vict. c. 34 -	6 April - - 1860
		20 Vict. c. 6 - -	5 April - - 1858
33	Alterations in Pleadings - - - -	18, 19 Vict. c. 26 -	25 May - - 1860
17	Lunatic Asylums (Ireland) - - - -	18, 19 Vict. c. 76 -	1 August - 1860*
47	Union of Contiguous Benefices - - -	18, 19 Vict. c. 127 -	14 August - 1860
46	Coal Mines Inspection - - - -	18, 19 Vict. c. 108 -	14 August - 1860*
16	Highway Rates (England) - - - -	17, 18 Vict. c. 52 -	1 October - 1860*
11	Prisons (Scotland) - - - - -	7, 8 Vict. c. 34 -	1 January - 1861*
12	Oaths, Unlawful (Ireland) - - - -	19, 20 Vict. c. 78 -	29 July - - 1861*
15	Survey of Great Britain - - - -	19, 20 Vict. c. 61 -	31 December 1861
5	Coal Trade (Port of London) - - -	8, 9 Vict. c. 101 -	5 July - - 1862
43	Incumbered Estates (West Indies) - -	17, 18 Vict. c. 117 -	2 February - 1863
4	Highland Roads and Bridges - - -	3, 4 Will. 4, c. 33 -	24 July - - 1864*

N.B.—By 48 Geo. 3, c. 106, if a Bill is introduced for the continuance of any Act which would expire in the same Session, and such Act shall expire before the Bill for continuing the same receives the Royal Assent, the continuing Act takes effect from the expiration of the former Act, but not so as to affect any person with any penalty in the interval.

CLASS II.

TEMPORARY LAWS

THE DURATION OF WHICH IS UNCERTAIN.

ARRANGED IN ALPHABETICAL ORDER.

No.	*Name.*	*Date of last continuing Act.*	*Duration.*
18	Apprehension of Offenders (France.)	6, 7 Vict. c. 75 - -	- - Continuance of Convention between Her Majesty and the King of the French for the Apprehension of certain Offenders.
19	Apprehension of Offenders (America.)	6, 7 Vict. c. 76 - -	- - Continuance of the Tenth Article of a Treaty between Her Majesty and the United States of America, for the Apprehension of certain Offenders.
31	Apprehension of Deserters (Portugal).	12, 13 Vict. c. 25 -	Continuance of Treaty.
1	Bank of England Incorporation.	19, 20 Vict. c. 21 -	- - Till Payment of Sums due to the Bank, and Redemption of all Bank Annuities created by Parliament.
8	Bank of England Privileges.	3, 4 Will. 4, c. 98 -	- - Determinable on 12 Months' Notice after 1st August 1855, and on Repayment of Debt due from the Public to Bank.
2	Bank of Ireland -	8, 9 Vict. c. 37 - -	- - May be dissolved after 1 January 1855 on 12 Months' Notice, and Repayment of Debt due from the Public to the Bank.
10	Civil List - - -	1, 2 Vict. c. 2 - -	Six Months after the Death of Her Majesty.
21	Cornwall Duchy -	7, 8 Vict. c. 65 - -	Minority of Prince of Wales.
20	Courts Martial (East Indies.)	7, 8 Vict. c. 18 - -	- - During the continuance of any Act for punishing Mutiny and Desertion, &c.
7	East India Company's Dividend.	3, 4 Will. 4, c. 85 -	- - Dividend subject to redemption by Parliament (on 12 Months' Notice) upon or at any time after 20th April 1874. As to right to demand redemption of Dividend, *see* No. 7 of Register.
3	Foreign Trade - -	59 Geo. 3, c. 54 - -	- - Duration of Treaty with any Foreign Power containing reciprocity provision.
6	West Indies Relief -	11, 12 Vict. c. 38 -	- - Until the Loan of £.995,000 under the Act shall have been advanced, or the Commissioners of Her Majesty's Treasury shall sooner determine.

INDEX

TO

LAWS which were inserted in the Register of Temporary Laws then in force in the last REPORT of the COMMITTEE on EXPIRING LAWS

(2 July 1857),

But which are now omitted.

Subject.	*No. in Register 1857.*	*Reason for Omission.*
Spirits (Ireland) - - -	39	- - Temporary Provisions Expired.*
		* Expressed to be repealed by 20, 21 Vict., c. 40, s. 1.

INDEX

Of the Subject-Matter of the ACTS contained in THIS REPORT.

The * signifies that the Act relates *exclusively* to Ireland.

	N° in Register.
A.	
Alterations in Pleadings	33.
Apprehension of Deserters (Portugal)	31.
Apprehension of Offenders (France)	18.
——— (America)	19.
Army Service Act Amendment	44.
B.	
Bank of England	1, 8.
* —— of Ireland	2.
C.	
Cambridge University	51.
Charitable Trusts	39.
Civil List	10.
Coal Mines Inspection	46.
Coal Trade (Port of London)	5.
Copyhold Commission	34.
Cornwall, Duchy of	21.
Corrupt Practices Prevention Act, 1854.	42.
* County Cess	26.
Courts Martial (East Indies)	20.
* Crime and Outrage	25.
Customs and Excise Duties	55.
E.	
East India Company's Territories	7.
Ecclesiastical Jurisdiction	23.
Episcopal and Capitular Estates Management.	36.
F.	
Foreign Trade	3.
H.	
Highland Roads and Bridges	4.
Highway Rates	16.
I.	
Inclosure Commission	34.
Income Tax	37.
* Incumbered Estates	32.
Incumbered Estates (West Indies)	43.
Indemnity Offices, &c.	52.
Insurance on Lives (Abatement of Income Tax).	38.

	N° in Register.
L.	
* Linen, Hempen and other Manufactures	9.
Loan Societies	14.
* Lunatic Asylums	17.
M.	
Militia Pay	56.
—— Ballots Suspension	53.
Militia, Embodying	57.
Mutiny Act (Army)	49.
——— (Marine Forces)	48.
N.	
Naval Medical Supplemental Fund Society.	27.
O.	
* Oaths, Unlawful	12.
Oxford University	40.
P.	
Poor Rates, Stock in Trade Exemption	13.
Poor Law	24.
Poor Law Union Charges	29.
* Poor Laws	22.
Prisons (Scotland)	11.
Property Tax (*see* Income Tax).	—
Public Health	41.
R.	
* Railways Act	35.
S.	
* Savings Banks	30.
Sheep and Cattle (Diseased)	28.
Survey of Great Britain	15.
T.	
Tithe Commission	34.
* Treasurers of Counties	45.
Turnpikes	54.
* Turnpikes	50.
U.	
Union of Contiguous Benefices	47.
W.	
West Indies Relief	6.

REPORT

FROM THE

COMMITTEE

UPON

EXPIRING LAWS.

Ordered, by The House of Commons, *to be Printed,*
29 *June* 1858.

373.

Under 3 *oz.*

REPORT

FROM THE

SELECT COMMITTEE

ON

AMEER ALI MOORAD'S CLAIM
(COFFEY'S PETITION);

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

APPENDIX AND INDEX.

Ordered, by The House of Commons, *to be Printed,*
12 *March* 1858.

Lunæ, 22° die Februarii, 1858.

Ameer Ali Moorad's Claim.—Petition of Edward Lees Coffey, stating that Isaac Butt, Esq., a Member of the House, did, in 1856, enter into an agreement with his Highness Ameer Ali Moorad Khan, or his agents, for a sum of money to advocate the claims of his Highness in the House of Commons for the recovery of his territory, and praying for inquiry, read—

Ordered, That a Select Committee be forthwith appointed to inquire into the allegations of the said Petition; to consist of Seven Members.

Select Committee nominated;—viz.

Sir James Graham.	Mr. Bouverie.
Mr. Sidney Herbert.	General Codrington.
Mr. Bright.	Colonel Wilson Patten.
Mr. Serjeant Kinglake.	

Ordered, That the said Petition be printed for the use of Members only.

Ordered, That the Committee have power to send for Persons, Papers, and Records.

Ordered, That Five be the Quorum of the Committee.

Ordered, That the Petition of Edward Lees Coffey be referred to the Committee.

Ordered, That Mr. Roebuck and Mr. Serjeant Deasy be appointed to serve upon the Committee, and to take part in its proceedings, but without the power of voting.

Veneris, 12° die Martii, 1858.

Ordered, That the Committee have power to Report their Opinion, together with the Minutes of Evidence taken before them, to The House.

REPORT - - - - - - - - - - - - p. iii
PROCEEDINGS OF THE COMMITTEE - - - - - p. iv
MINUTES OF EVIDENCE - - - - - - - - - p. 1
APPENDIX - - - - - - - - - - - - p. 1
INDEX - - - - - - - - - - - - p. 25

REPORT.

THE SELECT COMMITTEE appointed to inquire into the Allegations of the Petition of EDWARD LEES COFFEY, stating, that ISAAC BUTT, Esquire, a Member of this House, did, in 1856, enter into an Agreement with his Highness AMEER ALI MOORAD KHAN, or his Agents for a Sum of Money to advocate the Claims of his Highness in the House of Commons for the Recovery of his Territory; and who were empowered to Report their Opinion, together with the MINUTES OF EVIDENCE taken before them, to The House;——HAVE considered the Matters to them referred, and have come to the following RESOLUTIONS, which they have agreed to Report to The House.

1. THAT Isaac Butt, Esq., Q. C., a Member of this House, did not, as stated in the Petition of Edward Lees Coffey, "in or about the months of July "or August 1856, corruptly enter into an agreement with his Highness Ameer "Ali Moorad Khan, or his agents, to the effect that the said Isaac Butt should "for a sum of money stipulated to be paid to him, advocate and prosecute in "the House of Commons, with Her Majesty's Government, and the Honourable "East India Company, the claims of his Highness for the recovery of his territory, of which he had been deprived by annexation by the Honourable "East India Company;" nor, "in pursuance of such corrupt agreement, have "divers sums of money been actually paid by the said Ameer Ali Moorad to "the said Isaac Butt."

2. THAT Isaac Butt, Esq., in or about the month of July 1857, did enter into an agreement with his Highness Ameer Ali Moorad Khan to go out to India to assist him in prosecuting his claim with the local Government of Bombay, in consideration of the sum of 10,000 *l.*, of which the said Isaac Butt received 2,000 *l.* (1,999 *l.* net), and the remainder was to be paid in bills proposed to be drawn or accepted by the Ameer.

3. THAT Isaac Butt, Esq., did, in the period which elapsed between the month of June 1856 and the month of September 1857, advise and assist his Highness Ameer Ali Moorad Khan in prosecuting his claim against the Government of India, and with that view had frequent personal interviews, in the year 1857, after the meeting of the present Parliament, with the President of the Board of Control, and also some communications with the Chairman of the Board of Directors of the East India Company, and with one other member of that Board.

4. THAT, on the 11th day of August 1857, Isaac Butt, Esq., received from his Highness Ameer Ali Moorad Khan a cheque for another sum of 300 *l.*, but it has not been shown to Your Committee that such payment to Isaac Butt, Esq., had any reference to proceedings in Parliament.

3rd *March* 1858.

PROCEEDINGS OF THE COMMITTEE.

Martis, 23° *die Februarii*, 1858.

MEMBERS PRESENT:

General Codrington.	Mr. Bright.
Mr. Bouverie.	Colonel Wilson Patten.
Mr. Serjeant Kinglake.	Mr. Roebuck.
Mr. Sidney Herbert.	Mr. Serjeant Deasy.
Sir James Graham.	

Room cleared. Committee deliberated.

Sir *James Graham* called to the Chair.

Resolved, That no person shall be examined as a Witness who shall have been in the room during any part of the proceedings, with the exception of the Petitioner and Mr. Butt, without the special leave of the Committee.

Parties called in and informed thereof.

Mr. *Roebuck* stated the case in support of the Petition.

Mr. *Edward Lees Coffey*, examined.

[Adjourned till To-morrow, at Twelve o'clock.

Mercurii, 24° *die Februarii*, 1858.

MEMBERS PRESENT:

Sir JAMES GRAHAM, in the Chair.

Mr. Serjeant Kinglake.	Mr. Bouverie.
Mr. Sidney Herbert.	Colonel Wilson Patten.
General Codrington.	Mr. Roebuck.
Mr. Bright.	Mr. Serjeant Deasy.

Mr. *Edward Lees Coffey*, further examined.

Mr. *Henry Thoby Prinsep*, examined.

Mr. *Edward Lees Coffey*, further examined.

[Adjourned till To-morrow, at Twelve o'clock.

Jovis, 25° *die Februarii*, 1858.

MEMBERS PRESENT:

Sir JAMES GRAHAM, in the Chair.

Mr. Sidney Herbert.	Colonel Wilson Patten.
General Codrington.	Mr. Serjeant Kinglake.
Mr. Bright.	Mr. Roebuck.
Mr. Bouverie.	Mr. Serjeant Deasy.

Mr. *Owen Thomas Williams*, Mrs. *Elizabeth Parr*, and *Meer Ali Akbar*, examined.

Room

Room cleared. Committee deliberated.

Meer Ali Akbar, further examined; and translated a letter written in the Persian character.

Mr. *Roebuck* objected to the letter being received in evidence, as it had neither signature or seal.

Room cleared. Committee deliberated.

Question, "That the letter be received," put, and agreed to.

Parties called in, and informed thereof.

Mrs. *Elizabeth Parr*, further examined.

Mr. *John Saunders*, examined.

[Adjourned till To-morrow, at Twelve o'clock.

Veneris, 26° *die Februarii*, 1858.

MEMBERS PRESENT:

Sir JAMES GRAHAM, in the Chair.

Mr. Sidney Herbert.	Colonel Wilson Patten.
Mr. Bouverie.	Mr. Serjeant Kinglake.
General Codrington.	Mr. Roebuck.
Mr. Bright.	Mr. Serjeant Deasy.

Room cleared. Committee deliberated.

Sir *James Weir Hogg*, Bart., examined.

The Witness proposed reading the draft Despatch from the Court of Directors to the Board of Control.

The alterations made by the Board of Control in that Despatch.

The remonstrance of the Court of Directors upon those alterations.

The opinion of the President of the Board for refusing to agree to the demand of the Court of Directors.

The Despatch as ultimately sent.

Mr. *Bright* objected to the above being read, as he considered it irrelevant to the inquiry.

Room cleared. Committee deliberated.

Motion made, and Question put, "That the object of the Committee being only to inquire into the allegations in the Petition, it is not necessary to go into the contents of the Despatches prepared by the Court of Directors or the Board of Control now tendered in evidence by Sir J. W. Hogg."—(Mr. *Bright*).—The Committee divided.

Ayes, 4.	Noes, 2.
General Codrington.	Mr. Bouverie.
Mr. Serjeant Kinglake.	Mr. Sidney Herbert.
Mr. Bright.	
Colonel Wilson Patten.	

Parties called in, and informed of the decision of the Committee.

Sir *James Weir Hogg*, further examined.

Mr. *David Coffey*, examined.

Mr. *Ross Donnelly Mangles*, a Member of The House, examined.

Mr. *Henry Thoby Prinsep*, examined.

Mr. *David Coffey*, further examined.

Mr. *Robinson Tunstall Elsdale*, examined, and on being required to produce the bill of costs of Messrs. Hunt and Elsdale to the Ameer, objected to do so, on the ground that it was a privileged document.

Room cleared. Committee deliberated.

[Adjourned till To-morrow, at Twelve o'clock.

Sabbati, 27° *die Februarii*, 1858.

MEMBERS PRESENT:

Sir JAMES GRAHAM, in the Chair.

Mr. Sidney Herbert.	Mr. Serjeant Kinglake.
General Codrington.	Colonel Wilson Patten.
Mr. Bright.	Mr. Roebuck.
Mr. Bouverie.	Mr. Serjeant Deasy.

The Right Honourable *R. Vernon Smith*, a Member of The House, examined.

Room cleared. Committee deliberated.

Mr. *Robinson Tunstall Elsdale*, Mr. *David Coffey*, Sir *George R. Clerk*, and Mr. *Isaac Butt*, a Member of The House, examined.

[Adjourned till Twelve o'clock on Monday.

Lunæ, 1° *die Martii*, 1858.

MEMBERS PRESENT:

Sir JAMES GRAHAM, in the Chair.

Mr. Sidney Herbert.	Mr. Serjeant Kinglake.
Mr. Bright.	Colonel Wilson Patten.
General Codrington.	Mr. Roebuck.
Mr. Bouverie.	Mr. Serjeant Deasy.

Room cleared. Committee deliberated.

Mr. *Isaac Butt*, further examined.

[Adjourned till Twelve o'clock To-morrow.

Martis, 2° *die Martii*, 1858.

MEMBERS PRESENT:

Sir JAMES GRAHAM, in the Chair.

Mr. Sidney Herbert.	Colonel Wilson Patten.
General Codrington.	Mr. Serjeant Kinglake.
Mr. Bright.	Mr. Roebuck.
Mr. Bouverie.	Mr. Serjeant Deasy.

Mr. *Isaac Butt*, further examined.

Mr. *John Hastings Otway*, Mr. *David Boyle*, Captain *Charles Patton Keyes*, Mr. *James Charles Coffey*, Mr. *W. R. Seymour Vesey Fitzgerald*, a Member of The House, Mr. *Thomas Knox Holmes*, and Mr. *Alexander Anderson*, examined.

Mr. *Isaac Butt*, further examined.

[Adjourned till Twelve o'clock To-morrow.

Mercurii, 3° die Martii, 1858.

MEMBERS PRESENT:

Sir JAMES GRAHAM, in the Chair:

Mr. Sidney Herbert.	Colonel Wilson Patten.
General Codrington.	Mr. Serjeant Kinglake.
Mr. Bright.	Mr. Roebuck.
Mr. Bouverie.	Mr. Serjeant Deasy.

Draft Resolutions proposed by Mr. *Bouverie*, read 1°, as follows:

"1. THAT Isaac Butt, Esq., Q.C., did not, as stated in the petition of E. L. Coffey, in or about the months of July or August 1856, corruptly enter into an agreement with his Highness Ameer Ali Moorad Khan, or his agents, to the effect that the said Isaac Butt should for a sum of money advocate and prosecute the claims of his Highness for the recovery of his territory.

"2. That Isaac Butt, Esq., in or about the month of July 1857, did enter into an agreement with his Highness to go out to India to assist him in prosecuting his claim with the local Government of Bombay, in consideration of the sum of 10,000 *l.*, of which the said Isaac Butt received 2,000 *l.* (1,999 *l.* net), and the remainder was to be paid in bills proposed to be drawn or accepted by the Ameer.

"3. That Isaac Butt, Esq., was, from the month of June 1856 to the month of September 1857, actively engaged in advising and assisting his Highness in prosecuting his claim against the Government of India, and with that view had frequent personal interviews with the President of the Board of Control, and also some communications with the Chairman of the Board of Directors, and one other member of that Board.

"4. That in or about the month of August 1857, Isaac Butt, Esq., received from his Highness another sum of 300 *l.*, but it does not appear to Your Committee that such payment to Isaac Butt, Esq., had any reference to proceedings in Parliament.

"5. That no proceedings in Parliament were taken by Isaac Butt, Esq., in 1857, on the subject of the Ameer's claims, but that in 1856 the said Isaac Butt presented a petition from his Highness on the 27th day of June; gave notice on the 4th day of July of an intended motion by himself on the subject; and moved on the 24th day of July for papers on the subject."

Resolutions 1, 2, and 3, read 2°; amended, and agreed to.

Resolution No. 4, read 2°; Several amendments made. Amendment proposed, To leave out the words, "that such payment to Isaac Butt, Esq., had any reference to proceedings in Parliament," for the purpose of adding the words, "for what object such payment was made" (Mr. *Sidney Herbert*) instead thereof.--Question put, "That the words proposed to be left out stand part of the proposed Resolution." The Committee divided:

Ayes, 5.	No, 1.
General Codrington.	Mr. Sidney Herbert.
Mr. Bouverie.	
Mr. Serjeant Kinglake.	
Mr. Bright.	
Colonel Wilson Patten.	

Question put, "That the Resolution, as amended, be agreed to." The Committee divided:

Ayes, 5.	No, 1.
General Codrington.	Mr. Sidney Herbert.
Mr. Bouverie.	
Mr. Serjeant Kinglake.	
Mr. Bright.	
Colonel Wilson Patten.	

Resolution 5, read 2°. Question put, "That this Resolution be agreed to." The Committee divided:

Ayes, 2.	Noes, 4.
Mr. Bouverie.	General Codrington.
Mr. Sidney Herbert.	Mr. Serjeant Kinglake.
	Mr. Bright.
	Colonel Wilson Patten.

Question, "That these Resolutions, as amended, be reported to the House," put, and agreed to.

Ordered, to Report.

EXPENSES OF WITNESSES.

NAME of WITNESS.	PROFESSION or CONDITION.	From whence Summoned.	Number of Days absent from Home, under Orders of Committee.	Expenses of Journey to London and back.	Allowance during absence from Home.	TOTAL Expenses allowed to Witness.
				£. s. d.	£. s. d.	£. s. d.
David Coffey - -	Solicitor - -	Dublin -	6	8 - -	12 12 -	20 12 -
John Hastings Otway	Queen's Counsel	Dublin -	8	6 - -	25 4 -	31 4 -
David Boyle - -	Barrister - -	Dublin -	8	6 - -	25 4 -	31 4 -
C. P. Keyes - -	Captain Bengal army.	Malvern -	9	2 10 -	9 9 -	11 19 -
James Chas. Coffey -	Queen's Counsel	Ennis -	5	10 - -	15 15 -	25 15 -
					£.	120 14 -

MINUTES OF EVIDENCE.

LIST OF WITNESSES.

Martis, 23° *die Februarii*, 1858.

Mr. Edward Lees Coffey - - - - - - - p. 3

Mercurii, 24° *die Februarii*, 1858.

Mr. Edward Lees Coffey - - - - - - - p. 16
Henry Thoby Prinsep, Esq. - - - - - - p. 37

Jovis, 25° *die Februarii*, 1858.

Mr. Owen Thomas Williams - - - - - - p. 38
Mrs. Elizabeth Parr - - - - - - - pp. 38. 51
Meer Ali Akbar - - - - - - - - p. 47
Mr. John Saunders - - - - - - - p. 61

Veneris, 26° *die Februarii*, 1858.

Sir James Weir Hogg, Bart. - - - - - - p. 62
Ross Donnelly Mangles, Esq. M. P. - - - - - p. 69
Henry Thoby Prinsep, Esq. - - - - - - p. 75
Mr. David Coffey - - - - - - - p. 77
Mr. Robinson Tunstall Elsdale - - - - - p. 80

Sabbati, 27° *die Februarii*, 1858.

The Right Hon. Thomas Vernon Smith, M. P. - - - p. 81
Mr. Robinson Tunstall Elsdale - - - - - - p. 92
Mr. David Coffey - - - - - - - p. 95
Sir George Clerk, K. C. B. - - - - - - p. 98
Isaac Butt, Esq., M. P. - - - - - - p. 100

Lunæ, 1° *die Martii*, 1858.

Isaac Butt, Esq., M. P. - - - - - - - p. 112

Martis, 2° *die Martii*, 1858.

Isaac Butt, Esq., M. P. - - - - - - pp. 139. 180
John Hastings Otway, Esq., Q. C. - - - - - p. 162
David Boyle, Esq. - - - - - - - p. 164
Captain Charles Patton Keyes - - - - - - p. 165
James Charles Coffey, Esq. - - - - - - p. 166
William Seymour Fitzgerald, Esq., M. P. - - - - p. 177
Thomas Knox Holmes, Esq. - - - - - - p. 177
Mr. Alexander Anderson - - - - - - - p. 178

MINUTES OF EVIDENCE.

Martis, 23° die Februarii, 1858.

MEMBERS PRESENT.

Mr. Bouverie.	Mr. Serjeant Kinglake.
Mr. Bright.	Colonel Wilson Patten.
General Codrington.	
Sir James Graham.	Mr. Roebuck.
Mr. Sidney Herbert.	Mr. Serjeant Deasy.

THE RIGHT HON. SIR J. R. G. GRAHAM, BART., IN THE CHAIR.

23 Feb. 1858.

1. *Chairman.*] (*To Mr. Roebuck.*) PERHAPS you will have the goodness to state to the Committee an outline of the case, as it is alleged, and as you expect to sustain by evidence?

Mr. *Roebuck.*] Perhaps the Committee will allow me to say one word about myself in this matter? I merely act upon public grounds. I have had very little acquaintance with Mr. Butt; but wherever I have met him, I have received at his hands great courtesy. Therefore, I beg to assure you that I have no personal feeling in the matter. I simply come forward because I think that the interests of the House of Commons are concerned, and because I believe upon the evidence that has been submitted to me, that their privileges are deeply concerned in this matter.

Now Sir, I will proceed to state, as concisely and as briefly as I can, the case that I believe will be supported by the evidence which I shall adduce. The first name which I have to mention, is that of Ali Moorad Khan; it is known to the Committee, doubtless, that he was one of the Ameers of Scinde; that he befriended the British, and by Sir Charles Napier was endowed with certain property in consequence of the assistance which he lent to the English army. Since that time, Ali Moorad Khan has by the East India Company been altogether deprived of his property, and certain properties belonging to what is called the Turban, by which power and supremacy in Scinde is conferred, have been taken away from him. In order to regain his property he thought fit to come to England, and when he came to England he brought with him a petition. And it is requisite now that I should state to the Committee who the petitioner is, what he has been, and the circumstances under which he came to this country.

Mr. Coffey is an Irish gentleman, who in early youth, as I understand, led rather a wild life, and eventually enlisted in the English army. In that capacity, as a soldier, he went to India; there his friends procured his discharge, and he then entered into the uncovenanted service of the Company; he was employed by Sir Charles Napier, and was eventually appointed postmaster of, I think, Kurrachee. He gave great satisfaction, and received an advance and was created postmaster over a larger district. Eventually he was created postmaster-general of Scinde, still being an uncovenanted servant of the Company. In the year 1856, he was requested by Ali Moorad Khan to come to England as his secretary; he agreed to do so, but was obliged, in pursuance of that determination, to give up his office. I have had placed in my hands several letters from Mr. Freere, whose name I have no doubt is well known to the Committee, mentioning

23 Feb. 1858.

mentioning in the highest terms his opinion of the character and conduct of Mr. Coffey. Nevertheless, Mr. Coffey gave up what amounted to 1,000 *l.*, namely, his pay and allowances, and came to England as the secretary of Ali Moorad Khan. For that he was to receive, under any circumstances, 3 000 *l.*; if Ali Moorad Khan were succesful he was to have 1,000 *l.* a year for life. Upon that understanding he came to England.

So soon as Mr. Coffey came to England, he, in pursuance of the duties which fell upon him as the secretary of Ali Moorad Khan, put himself in communication with various gentlemen who, he considered, had power in the House of Commons and in the country; and, amongst others, he was put in communication with Mr. Isaac Butt. I do not exactly know how, but I rather think by one of his brothers. Mr. Isaac Butt told the petitioner, and I am now merely stating what the petitioner tells me he is ready to state to the Committee, that he, Mr. Butt, was not a rich man, and that therefore he could not undertake to promote the interests of Ali Moorad Khan, unless he, Mr. Butt, received money or money's worth for so doing. A communication was made to Ali Moorad Khan of this statement on the part of Mr. Butt, and in consequence of that intimation made to him, an agreement was entered into between Mr. Coffey and Mr. Butt, to the following effect:—That Mr. Butt, if he succeeded in gaining for Ali Moorad Khan the return of his property, should receive 5,000 *l.*; and if he were required to go to India to see to the interests of Ali Moorad Khan, he should receive 5,000 *l.* more; making altogether 10,000 *l.*, provided Mr. Butt was required to go to India.

In consequence of this agreement, Mr. Butt undertook to promote the interests of Ali Moorad Khan, and the charge in the petition is, that he entered into that corrupt agreement, and in proof of that charge, there are two separate sums of money, alleged to have been received by Mr. Butt, which I believe myself in a condition to prove, namely, 300 *l.* paid in a cheque from Ali Moorad Khan to Mr. Butt, drawn in his favour, crossed to Mr. Butt, and paid over the counter into Mr. Butt's own hand by the banker upon whom that cheque was drawn.

The circumstances under which that money was given to Mr. Butt are the following:—In August last, Mr. Butt informed Mr. Vernon Smith, the President of the Board of Control, that he intended to bring the case of Ali Moorad Khan before the House. Upon that he received a letter from Mr. Vernon Smith saying, that to do so would be at the present time inconvenient, because at that time there was a great terror in England, in consequence of the Indian rebellion or revolt or mutiny, whatever it is to be called. Thereupon Mr. Butt went to Ali Moorad Khan, and stated to him that he was obliged to go over to Ireland. Ali Moorad Khan said to him, "Then go to Ireland! Do you intend then to leave my concerns here without your protection?" Mr. Butt's answer was, "I am a poor man. I cannot afford to forego the fee of 300 guineas, which is upon the back of my brief in a case which will come on, and I am obliged to go to Ireland, to do my duty, and to receive that 300 guineas." Ali Moorad Khan said to him, "That need not stand in your way; you shall have 300 *l.*" Mr. Butt upon that demanded 500 *l.* It must be understood, that I am merely stating what has been stated to me, which I believe the witness is quite ready to prove. Thereupon he said, "I must have 500 *l.*" Then Mr. Coffey drew the cheque, Ali Moorad Khan insisting that Mr. Butt's name should be upon that cheque. The cheque was "Payable to Mr. Butt or bearer the sum of 300*l.*" He said, "Make it 300*l.*, I will not pay 500*l.*" He came to Mr. Butt, and rolled up, as I am told, the cheque very close, and put it into Mr. Butt's hand in another room. Mr. Butt opened the cheque, saw it was for 300*l.*, and called Mr. Coffey out. He said, "This is only for 300*l.*; I want 500 *l.*" And Mr. Coffey said to him, "I know the Ameer so well, that I am quite sure you would do wisely to retain that cheque. That cheque is for 300*l.*" "But," said Mr. Butt, "it is crossed, and I would not pay it into my bank for a thousand pounds." Upon the suggestion of Mr. Coffey, Mr. Butt retained the cheque, and asked Mr. Coffey, as the Ameer's secretary, to go with him to the city, in order that the Bank might, knowing that he was the secretary of Ali Moorad Khan, pay him the cheque, although it was crossed; the rule, as the Committee knows, being to pay crossed cheques through a bank. Mr. Irwin, who is connected in some way with Mr. Butt, I believe, went with him, and being

23 Feb. 1858.

being known at the Bank, it was thought not requisite that Mr. Coffey should go, and the Bank paid the cheque, and in the Bank books it is stated, "Paid, out of course, 300*l.* to Mr. Butt." That cheque is in existence. Now here there is the first charge, the receipt of money to perform a duty as a Member of Parliament. I will not say anything more than state the mere fact.

The next is the charge that he received 2,000*l.*, and here comes a very extraordinary series of events. Mr. Butt suggested to the Ameer that he had got the Board of Directors, or the Board of Control, I think, to send a despatch to India, reinstating the Ameer, and in consequence thereof he demanded payment of his money due to him for so doing, and he said, "As I shall have to go out to India to enforce your claim, I demand 10,000*l.*" The Ameer said, "I have no proof beyond verbal proof, that this despatch has been sent, and I must have some statement from the Board of Control or the Board of Directors, that they have sent out such a despatch;" and it is alleged, that Mr. Butt showed to the Ameer, and the persons acting for him, a letter, stating directly that a despatch had been sent; I am not quite sure, whether it was stated that that letter came from Mr. Mangles, or was asserted to come from Mr. Vernon Smith. Thereupon the Ameer said, "No, I cannot give you 10,000 *l.*, but I will give you 2,000 *l.*," and Mr. Butt, Mr. Coffey, and the Ameer went down to the city; I think there is a bank there called, the Mercantile Bank of India, and Ali Moorad was a customer, as it is called in banking language, and had an account there, and they drew a cheque upon the County Bank, "Pay to Ali Moorad Khan 1,999 *l.*," for it appears that they charge a commission upon such a proceeding, and that cheque was taken by Ali Moorad down to the carriage, and as he shook Mr. Butt's hand he passed him the cheque.

Now, then, how is it to be proved that the cheque which was "Pay Ali Moorad Khan" came into Mr. Butt's possession? It is thus: I am enabled to prove the numbers of the notes paid for that cheque by the County Bank; I trace those notes, or some of them, into Glyn's bank to the account of Mr. Butt; and, more than all, Ali Moorad left England; he went to Paris, and from Paris to Vienna. When he was in Vienna there was a letter sent after him from Mr. Butt, containing three blank stamps, which, when drawn according to the value of those stamps, would cover 8,000 *l.*; and a very remarkable event, if it be true, is the proof of the notes paid for that cheque to Ali Moorad connected with those blank stamps. Mr. Butt went to a shop and purchased three blank stamps. He wanted to give a cheque for them, but the person in the shop told him, No; for stamps they always received ready money. He pulled out a 5 *l.* note, one of the notes paid for the cheque; he put his own name and address upon the back of that 5 *l.* note, and paid it over the counter for the three blank stamps, which were sent to Vienna to Ali Moorad Khan, in order to be filled up in favour of Mr. Butt for 8,000 *l.*

Now, Sir, I have stated the case which I think I shall be able to prove. I do not attend it with any comment. I might explain how it is that Mr. Coffey comes before you with this petition; but, at the present stage of the proceedings, I do not think that requisite. I think it better to present Mr. Coffey as a witness before you to establish the statement which I have made. I will not detail how the quarrel arose between Mr. Butt and Mr. Coffey.

Mr. *Edward Lees Coffey*, called in; and Examined.

Mr. *E. L. Coffey.*

2. Mr. *Roebuck.*] YOU were in Scinde in 1856, I think?—Yes.

3. In what position were you there in that year?—Postmaster-general.

4. Did you give up that appointment in 1856?—Yes.

5. The value of that appointment to you was about 1,000*l.* a year, was not it?—Yes.

6. What induced you to give that appointment up?—I had been a long time in the service, and seeing the promises that Ali Moorad Khan made to me, and really taking an interest in his affairs, knowing him for a great number of years, 16 or 17 years, I felt a great interest in him, and he mentioned to me his wish to go to England to prosecute his claim, but being unacquainted with any friend that would assist him, said if I would go, that he would be so much obliged to me; and really being under many obligations to his Highness, I at once consented.

Mr. *E. L. Coffey.*

23 Feb. 1858.

7. What remuneration were you to receive?—I was to receive from his Highness 3,000*l.*, payable in instalments; 1,000*l.* before I left India, and the remainder in two moieties in England, whether he obtained the return of his property or not; that was unconditional; his Highness assured me verbally, that if he did regain his possessions (he said he was then a poor man, and it was impossible to submit anything to writing to that effect), I should during my life have 1,000*l.* a year from him, a jagheer to the amount of 1,000*l.* a year.

8. Mr. Serjeant *Deasy.*] Was there any agreement in writing?—There was an agreement in writing for the 3,000*l.*

9. Mr. *Roebuck.*] Have you that agreement?—I have not it with me; I can submit it to the Committee; I have got it.

10. *Chairman.*] You were to receive 1,000*l.* down?—£.1,000 before leaving India.

11. You say that the agreement for the contingent payment of 3,000*l.* is in writing, that you possess it, and can produce it?—Yes.

12. But the payment, before you left India, was upon a verbal assurance?—That was an after consideration; an after agreement.

13. Mr. *Roebuck.*] There was no written agreement that he should give you 1,000*l.* a year for life, supposing he succeeded?—No, I implicitly trusted to his honour.

14. Was the 1,000*l.* paid down?—No.

15. Was the written document in Persian or in English?—His Highness forwarded me a written document in Persian, and as soon as I received it I sent him my idea of the agreement in English, and I believe that they both correspond, or very nearly.

16. Have you not the second agreement?—I have the English and the Persian. I have the copy which I forwarded to his Highness immediately upon receiving his Persian perwanna.

17. Can you produce that?—Yes.

18. Was the 1,000*l.* paid down?—No.

19. And you never got the 3,000*l.*?—No, I got 500*l.* in India, and that in small sums; his Highness paid me in England, I think, 500*l.* more.

20. When you came to England were you put, or did you come into communication with Mr. Isaac Butt?—Yes.

21. Where?—As well as I can recollect at his house at Cleveland-row.

22. Was there any person present at your interviews with Mr. Butt on which any matter of importance took place?—About the presentation of his petition? Yes; my brothers.

23. How were you introduced to Mr. Butt?—By my brother.

24. Mr. *Bright.*] Two brothers or one brother?—I was introduced by one of my brothers and the other brother came over after.

25. Mr. *Roebuck.*] By which of your brothers were you introduced to Mr. Butt?—My brother David.

26. Is he a solicitor?—Yes.

27. Will you state to the Committee what took place between you and Mr. Butt?—In June 1856 there was a petition presented to the House of Commons by Mr. Butt; at that time there was nothing whatever mentioned of any agreement for his services.

28. What occurred after that?—Some days after it was necessary to move for papers.

29. *Chairman.*] You say that a petition was presented; was it Ali Moorad's petition?—Yes; it was between the presenting of the petition and moving for these papers that I had a conversation with Mr. Butt walking in the street.

30. Mr. *Roebuck.*] What was the effect of that conversation?—Mr. Butt told me that he was not a very rich man, and that to do justice to the Ameer's case, to carry on the extensive business that would be connected with it at the Board of Control, at the India House, and in Parliament, he would have to attend a great deal in London, at an enormous expense, and unless the Ameer was prepared to assist him in his expenses, that he could not undertake it or go on with it; he could not devote his time to it; on which I went to the Ameer, and mentioned the state of the case to the Ameer, and the Ameer said to me, "Well, tell Mr. Butt from me, that if he carries on this business for me, and secures me the restoration of the lands which I seek, I shall give him

him 5,000 *l.*" I delivered the message to Mr. Butt, and Mr. Butt was satisfied. Mr. *E. L. Coffey.*

23 Feb. 1858.

31. In what way did Mr. Butt express his satisfaction?—He said, "Very good; very well; it is very handsome of the Ameer."

32. Where was the second conversation?—In the street; sometimes at his own house.

33. When you stated to Mr. Butt the result of your conversation with Ali Moorad, and when he said, "Very good," where was it?—That was at his own house after I returned.

34. In Cleveland-row?—Yes.

35. Was there any after arrangement with respect to another sum of money?—Not for a long time after.

36. When was that?—In the latter end of July or August.

37. In what year?—1857.

38. What was the result of that conversation?—After a good deal of negotiation with the Board of Control and the India House, it was first proposed that the despatch to be forwarded out ——

39. By whom was it first proposed?—By us.

40. By Ali Moorad?—Yes, and we hoped that the despatch about to be forwarded to India would give the immediate restoration to his lands; that the Government of India would be ordered by the Government here to restore those lands. After several other meetings, the Board of Control and the Court of Directors would not agree to this. After that other negotiations were commenced, and it was finally stated to myself and the Ameer, by Mr. Butt, that a despatch would be sent out directing the Government there to take the Ameer's case into its hands and to act on it. On which Mr. Butt informed me that it would be necessary for him to go out there to complete the transaction begun here; he could not give up his professional services, duties, and everything else; he would require the 5,000 *l.* to be doubled; which I thought very reasonable and mentioned it to the Ameer, and the Ameer at once acceded to it, on the condition that the despatch was sent out, and that Mr. Butt would go out to carry that despatch into completion.

41. Was the purport of that despatch, as related to you, that the Government of India was to look into the case of Ali Moorad Khan, and to do as they thought fit upon the matter, or what they thought just in the case, or that the despatch would be sent out peremptorily ordering them to give to the Ameer his property?—Oh, no; if the despatch, as you say, was to be sent out peremptorily, there was no necessity for Mr. Butt to go out; the Ameer would have been satisfied with that; if there was a peremptory order, he would go out and get his lands. It was a qualified despatch, which would require negotiation out there.

42. I want to take you back to 1856; do you recollect, at any time, Mr. Butt showing you a letter which he had received from Mr. Vernon Smith?—He showed me many letters from Mr. Vernon Smith.

43. I allude now to a letter which was written to Mr. Butt by Mr. Vernon Smith, upon the subject of a certain notice that Mr. Butt said he was about to put upon the books of the House of Commons?—That was in 1857.

44. You recollect such a letter as that?—Yes.

45. By whom was that shown to you?—By Mr. Butt.

46. As purporting to be a letter from Mr. Vernon Smith?—Yes.

47. Did you see the letter?—I did.

48. Did you read the letter?—I did.

49. *Chairman.*] In what month in 1857 did you see this letter?—July or August; I should rather say July.

50. Mr. *Roebuck.*] What were the contents of that letter?—As well as I recollect, Mr. Butt wrote to Mr. Vernon Smith, to say that he would bring on the motion as to Ali Moorad. A particular paragraph, which struck me and pleased the Ameer, was, that Mr. Vernon Smith hoped, at this unseasonable time, he would not bring on such a motion, as it would so much embarrass the Government.

51. Shortly after that, was any statement made by Mr. Butt to Ali Moorad, about the necessity of Mr. Butt going to Ireland?—About the 7th or 8th of August.

52. What was the statement made by Ali Moorad?—Mr. Butt made a statement

Mr. *E. L. Coffey.*

23 Feb. 1858.

ment to me which was read to Ali Moorad; he informed me that he had a sum of money to pay on account of his son, who was going down to Woolwich, fees and everything else; that he had received a brief in the case of Colclough, on which there was a large fee, and which he should either retain here, or send back on these conditions: if the Ameer would pay him 500 *l.*, which sum he required, he would return the brief and stay here to wind up this transaction with Mr. Vernon Smith and the East India Company; he asked 500 guineas, as he should require that sum for fees to send down to Woolwich, and for his private purposes. I went to the Ameer and told him of this; but the Ameer, like all Asiatics, delayed from day to day giving me this money; he told me he would send a cheque or give me bank notes, day after day. At last I told him, by Mr. Butt's direction, if the money was not paid that evening Mr. Butt would go to Dublin. The Ameer became alarmed, and told me that he should meet me at Mr. Butt's house at six o'clock; I said, "Very well, I hope so;" (this occurred on the 11th of August); "if you do not come and see Mr. Butt, and arrange this transaction, be assured that he will go." At six o'clock I was at Mr. Butt's, and to my astonishment a hack cab drove up to the door, from which the Ameer alighted; I went to receive him, and I said, "Why has not your Highness come in your own carriage?" He said, "Oh, my own carriage was out, but sooner than allow this transaction to be delayed upon which so much depends, I took a cab and came down." I brought him up to the drawing-room, and I said, "Well, have you got the bank notes?" He said, "No, I have not got the bank notes, but I will arrange it otherwise;" and he took from his cumberbund a cheque-book, and desired me to sit down and write. I wrote the cheque, leaving the name blank. I said, "What shall I fill it in for?" He said, "300 *l.*" I said, "Mr. Butt has asked you for 500 *l.*, pray let me write 500 *l.*, do not disappoint Mr. Butt." "No," he said, "300 *l.* is quite enough for what he has done as yet; write 300 *l.*" I wrote 300 *l.*, and handed the cheque to the Ameer; he looked at it, and said, "Read it to me," and I read it to him.

53. Did you communicate with the Ameer in Hindostanee?—Yes; he said, "Read it." I read it, and he said, "You have not put in Mr. Butt's name." I said, "No, I did not think it right; if I was giving a cheque myself of the same amount to him I would not fill his name in." He said, "No matter, put his name in." I put his name in, and a third time he repeated, "Read it again," and I read it. Now, he said, "Cross it, making a motion with his hand in this way (*describing the same*). I did so, and as soon as it was read, and he had put his signature to it in Persian, and his seal, he rolled it up very small, stood up, and shook hands with Mr. Butt, leaving the cheque in his hand. Mr. Butt went into the next room and called me; and he said, "This is only for 300 *l.* I asked you for 500 *l.*"

54. Mr. *Bouverie.*] Was Mr. Butt present during all the time that this conversation was going on between the Ameer and you?—Yes, he was walking about the room. The Ameer and I were talking in Hindostanee; he opened it, and said, "This cheque is for 300*l.* I asked you for 500 *l.*" I said, "It is impossible; the Ameer will not give more." And he made this extraordinary statement to me. He said, "I think it is most extraordinary getting 300 *l.*; that is the exact sum I wanted. But it is crossed, and my name is in it." I said, "Yes." "Well," he said, "go back and make him write another cheque, for I would not for a thousand pounds pay that cheque into my bank." I said, "Believe me, you had better keep that cheque; if I take it back to the Ameer, he will be annoyed and suspicious, and it is very probable he will put it into his cumberbund, and you will never see it again. Keep the cheque, and do the best you can with it." The next morning Mr. Butt requested myself and Mr. Irwin, his secretary, to go to the Mercantile Bank of India on which the cheque was drawn, and to state that it was crossed in mistake through error, and to beg of them, contrary to their usual course, to cash the cheque; that as I was the Ameer's secretary and known at the bank, it would be done at once. I went down there with Mr. Irwin, and so soon as we got to the Mercantile Bank of India, I found that Mr. Irwin had a knowledge of the people at the bank.

55. General *Codrington.*] Was the name of any bank put on the crossing?—No: the cheque was drawn on that bank, and crossed to another.

56. What bank was it crossed to?—No bank; it was a blank cross.

57. The cheque was crossed, but not to any particular bank?—No; it was their

their own cheque crossed. When we got to the bank, it was not necessary for me to say anything; Mr. Irwin stated to the cashier that this cheque was crossed by mistake, and that he should be very much obliged to him if he would give him the money. The clerk looked at the cheque and said, "It is crossed." He said, "Oh yes, I know that, but it can be arranged." The clerk who took the cheque, went up stairs, I infer to the directors' room, and remained away 10 minutes, and he came down stairs again where we were, into the banking room, took the cheque, and wrote something in a book, and then entered the cheque in the regular cash book.

58. *Chairman.*] Did you state that Mr. Irwin was Mr. Butt's secretary?—Yes; I understood so.

59. Mr. *Bright.*] Were you in the bank when this transaction took place?—Yes.

60. *Chairman.*] I understand that you and Mr. Irwin were together at the bank?—Yes; I was with Mr. Irwin; it was not necessary for me to speak, as Mr. Irwin was acquainted with all the parties at the bank.

61. You have stated that the clerk left the lower room and went up stairs, and after 10 minutes returned; what took place after that?—He wrote something in one book, and then in another, and paid over the amount of the cheque to Mr. Irwin; I think in three notes of 100 *l.* each, as well as I remember.

62. Mr. *Roebuck.*] When it was determined that the Ameer should go to India, did Mr. Butt say anything about money to be paid to himself?—Yes, he said he should require 3,000 *l.* here, and the remainder in India.

63. What did the Ameer say to that?—"Oh," the Ameer said, "yes;" he agreed to it; he would pay it.

64. Did the Ameer ever pay Mr. Butt the 3,000 *l.*?—Again (when natives are paying money they are apt to delay) I had a great deal of difficulty, and it was put off day after day. Our journey was postponed, and at last, when it came to an extreme case, and in fact I was tired of interfering, Mr. Butt requested Captain Langley to meet him and the Ameer, at his lodgings on the 22d of August.

65. *Chairman.*] With respect to the cheque for 300 *l.* paid by the Mercantile Bank to Mr. Irwin in your presence, did you state that it was paid in three bank notes of 100 *l.* each?—As well as I recollect, I think it was three bank notes of 100 *l.* each; it was paid in bank notes, and I think it was three 100 *l.* notes.

66. Mr. *Bright.*] Do you know exactly whether the cheque was for 300 *l.* or for 300 guineas?—£. 300.

67. *Chairman.*] To the best of your belief, the cheque was paid in three 100 *l.* notes?—Yes, three notes of 100 *l.* each.

68. Mr *Roebuck.*] Did Captain Langley meet Mr. Butt?—Yes.

69. And what occurred?—When the Ameer saw Captain Langley there, he became exceedingly angry.

70. Who is Captain Langley?—He was an officer in the Madras service formerly.

71. Is he a friend of Mr. Butt's?—I cannot say that he is, and I cannot say that he is not; I believe he had a previous knowledge of him. I should say that he knew him before I did.

72. But you say that Mr. Butt requested Captain Langley to be present?—Yes.

73. And Captain Langley was present on the 22d of August?—Yes.

74. What occurred at that meeting?—Nothing with regard to Captain Langley beyond the Ameer expressing his exceeding dissatisfaction that Captain Langley should be brought to him, stating that he had no confidence in Captain Langley, that all these private transactions should be managed through me, and the Ameer refused to open his lips to Captain Langley on the subject.

75. What occurred then?—Then I had to request the Ameer to come into where Mr. Butt was seated, and it was then agreed that Mr. Butt would get the 3,000 *l.* on that day; the Ameer's carriage was below stairs and we got into it.

76. Who do you mean by "we"?—Mr. Butt, the Ameer and myself, and drove down to the bank.

77. What bank?—The Mercantile and China Bank in Broad-street; the same bank that the 300 *l.* came from.

Mr. *E. L. Coffey.*

23 Feb. 1858.

78. What is the exact title of that bank?—I think it is the Mercantile Bank of India.

79. You all three got into the carriage; did you go down to the bank?—I did.

80. What occurred then?—Mr. Butt remained below in the carriage; his Highness and myself went upstairs; we had some conversation with the deputy-manager of the bank, Mr. Davison I think his name is; his Highness said that he had overdrawn his account, but that he had need for a sum of money here and requested that bills might be drawn for it. Then I said to the manager "We want 30,000 rupees," which is equivalent to 3,000 *l.* The Ameer caught the words 30,000 rupees at once although I spoke English, and he said to me, "No, I will not give 30,000 rupees, I will give 20,000 now and the remainder when I get a copy of the despatch in my hand."

81. What occurred then?—Then I said, "Now you put me in a very peculiar position. I have promised that you would pay him 3,000 *l.* up here. You say that you will only pay him 2,000 *l.* It is very probable that when you go down stairs this cheque will be flung away, torn up, or returned to you, and there will be an end of the matter." He said, "I do not care if it is torn up or flung away; if the despatch is written, I will get the despatch for all that, whether the cheque is torn up or not." He says, "If it is written all the trouble has been taken, and the cheque will not be returned to me." I thought that those were very sound arguments, and I could not say anything more to them. But he then told me to tell the manager to draw for 20,000 rupees, and he did draw; certainly it took us three quarters of an hour. We drew three sets of bills upon one bank for this sum. For the rate of exchange and everything else, I think there was 250 rupees charged on the 20,000 rupees, and the Ameer asked what that was for, and the manager explained it to him.

82. Through you, I suppose, that was explained?—Yes; but the Ameer understands a good deal of English, he is able to catch many words that you say in English, though not perfectly free to express himself; in the end the manager drew a cheque for 1,999 *l.*

83. In whose favour was the cheque drawn?—Meer Ali Moorad Khan.

84. Upon what bank was it drawn?—The London Joint Stock Bank. When I saw this 1,999 *l.*, I said to the manager, "Why, what is this, this is only 1,999 *l.*, we were to have had 2,000 *l.*' "Oh," he said, "the pound is for the stamp; we are not bankers in London, we are merely merchants in London, and we cannot draw cheques." So that the 1 *l.* which he deducted from the draft was for the stamp.

85. Mr. *Bouverie.*] What is the name of this gentleman?—Mr. Davison, I think. He is the deputy manager. As we came down stairs the cheque was again rolled up very small, and handed to Mr. Butt.

86. Mr. *Bright.*] By the Ameer?—By the Ameer. I never touched the cheque; I never had my hand upon it.

87. Mr. *Roebuck.*] Was the cheque then accepted by Mr. Butt?—I do not know what became of the cheque; he took it.

88. Is that all you know of this transaction?—At that time it was all.

89. At any other time did you know anything more about it?—I ascertained when I came home, in my own vindication and justification, about these notes.

90. You went, I think, after that, to Paris with the Ameer?—Yes.

91. Did you go from Paris to Vienna?—Yes.

92. While you were at Vienna, did you receive a letter from Mr. Butt?—No.

93. While you were at Vienna did you receive any letter containing stamps?—No.

94. Where did you receive them?—In Paris.

95. While you were in Paris, did you receive a letter from Mr. Butt?—Not from Mr. Butt.

96. From whom?—My brother.

97. Which brother?—My brother David, the solicitor.

98. When were you in Paris?—The 23d of August.

99. Mr. *Bright.*] Last year, 1857?—Yes.

100. Was that the day after you had been to the bank with the Ameer and got

got the cheque?—I did not receive that letter on the 23d that Mr. Roebuck is speaking of now.

101. Mr. *Roebuck.*] When did you receive the letter?—The 24th; the 23d was on Sunday.

102. Have you that letter?—Yes.

103. Did that letter contain any enclosures?—It enclosed three stamps.

104. Did the letter state for whom the stamps were sent?—For Mr. Butt.

105. Mr. *Bright.*] What were the stamps that you speak of?—Bill stamps.

106. Mr. *Roebuck.*] Will you let me have that letter? (*The letter was delivered in and read.*) *Vide* Appendix.

107. Are those the identical stamps that were in that letter?—Yes.

108. Were those words written upon them when they came?—Yes.

109. I see that one of them is "Mr. Butt 5,000 *l.*—six months"?—Yes.

110. Another is "Mr. Butt, 3,000 *l.*—four months," and the third is, "Mr. Butt—1,000 *l.* at sight"?—Yes.

111. In your presence were any stamps filled up to that amount to Mr. Butt?—No.

112. *Chairman.*] Do you know in whose handwriting the endorsement upon those three stamps is?—I fancy they are in my brother's.

113. Which brother, your brother David?—Yes.

114. You are sure that this letter is in his handwriting?—Yes.

115. Are the stamps just in the state in which you received them?—Yes.

116. Mr. *Roebuck.*] Did the Ameer refuse to fill up those stamps?—I never submitted them to him.

117. *Chairman.*] You do not state positively that the endorsement upon the stamps is in your brother's handwriting?—I do not know, but I should rather say it was.

118. You cannot go further than that?—No; my impression is that it is.

119. Mr. *Roebuck.*] Was any letter received by you from Mr. Butt whilst you were at Paris?—No.

120. Was any letter received by you from Mr. Butt upon your journey to Trieste from London?—No, I had no letter directly or indirectly from Mr. Butt.

121. Have you any copy of a letter written, or purporting to be written by Mr. Butt to your brother?—I have a copy of a letter written by Mr. Butt's secretary, Mr. Irwin, to my brother.

122. From what place?—Written to my brother from London.

123. In whose name is that letter said to be written to your brother?—There is an allusion to Mr. Butt in that letter.

124. Mr. Serjeant *Kinglake.*] I understand you to say that it is a letter from Mr. Irwin?—Yes.

125. Mr. *Roebuck.*] Have you not in your possession a copy of some letter written by Mr. Butt to your brother?—I have a copy of a statement by Mr. Butt to my brother.

126. Have you not a copy of a letter from Mr. Butt to your brother?—Yes.

127. Is the original of that letter in your brother's possession?—I believe not.

128. Have you any letter from your brother respecting that letter?—We had an angry correspondence.

129. Never mind the angry correspondence; have you any letter from your brother respecting that letter from Mr. Butt to him?—I have.

130. Have you that letter here?—I have not it here; I think I have it at home, and I will produce it.

A copy of a letter dated "Trieste, October 3, 1857," marked "confidential," was delivered in and read. *Vide* Appendix.

131. *Chairman.*] To which of your brothers was this written?—My brother David.

132. Mr. *Sidney Herbert.*] Why does he mention your brother David in the letter?—The letter was written to my brother James, who gave it to my brother David to copy.

133. *Chairman.*] The letter is addressed by Mr. Butt to your brother James, and given to your brother David to copy, and from him you got it?—Yes.

134. There are four enclosures, are not there?—Yes.

Mr. *E. L. Coffey.*

23 Feb. 1858.

* *Vide* Appendix.

*The enclosures were delivered in and read.**

*A letter containing a statement in Persian was delivered in by Mr. Butt, and read.**

135. Mr. *Roebuck.*] I suppose you do not feel any doubt about the accuracy of the translation from the Persian?—No.

136. You went to Trieste with the Ameer?—Yes.

137. When you were at Trieste, did Mr. Butt arrive there with Mr. Irwin and Captain Langley?—Yes.

138. In consequence of certain transactions which occurred there, you left the Ameer?—Yes.

139. Mr. Serjeant *Deasy.*] You have said that there was an agreement in writing between you and the Ameer as to the terms upon which you were to serve him in England?—Yes.

140. Was it part of the written agreement, that any payment to be made by the Ameer to you should be conditional upon your serving him faithfully?—So I have heard from Mr. Butt.

141. Did you ever hear it from any one else?—Certainly not.

142. Did you ever hear it from the Ameer himself?—Certainly not.

143. Did he read to you the agreement between you and him?—Never.

144. At Trieste?—At Trieste.

145. Are you certain of that?—I am certain that I handed the agreement to Mr. Butt, who took it in to the Ameer, and brought it back to me; after that it never left my possession.

146. Did Mr. Butt read it to you?—No, Mr. Butt could not read it to me; he read my own English part of it.

147. How much have you got from the Ameer since the termination of your services in Trieste?—I fancy about 1,000 *l.*

148. Did you claim the balance?—I did; a considerable further balance.

149. Did not the Ameer refuse to pay you?—He said he had not it.

150. Did not he refuse to pay you?—Through Mr. Butt he did.

151. Did not he, in your own presence, refuse to pay you the balance that you claimed?—He certainly said, that as soon as his lands were restored, he would pay me that 2,000 *l.*, but he never directly refused; certainly not.

152. Did not the Ameer produce the Persian agreement he had, and read or refer to the words in that agreement, about your serving him faithfully?—That Persian agreement is his letter; that part was brought back into another room to me by Mr. Butt, from which it never left my possession. It was never produced after Mr. Butt brought me an answer from his Highness.

153. Did not he, or Mr. Butt on his behalf, dismiss you from his service at Trieste?—The Ameer distinctly and decidedly would not dismiss me.

154. Did Mr. Butt dismiss you?—Mr. Butt told me, on the part of the Ameer, that the Ameer would dismiss me, but the Ameer distinctly refused.

155. Have you ever since that ceased to be in the service of the Ameer?—If I am to consider Mr. Butt's decision, of course; but the Ameer pointedly and decidedly told Mr. Butt that he would not dismiss me.

156. Are you now in the service of the Ameer?—I do not understand the question; I am not receiving his pay.

157. Are you doing duty for him now?—I am not now.

158. Are you now in the service of the Ameer or not?—I do not consider that I am away from the service of the Ameer, until all my claims are satisfied.

159. What are your claims upon the Ameer?—Something about between 3,000 *l.* and 4,000 *l.*; certainly considerably over 3,000 *l.*

160. Has he ever paid you anything since you left him at Trieste?—No; I have never asked him; I have never written to him.

161. Would you tell the Committee what the claim is for?—There is a balance of 2,000 *l.*, and the remainder is in excess of cash I paid here on different disbursements for his Highness.

162. That 1,000 *l.*, as I understand it, was money you had paid for the Ameer?—Yes.

163. You paid it out of your own funds?—Yes, out of my own funds.

164. You claimed 2,000 *l.* as the balance of your agreement?—Yes.

165. And 1,000 *l.* extra for sums paid for the Ameer?—More than 1,000 *l.*

166. That

166. That was for money you had paid on account, or for the service of the Ameer?—Yes.

167. Have you, after you left India, or at any time, received money for the Ameer, to be disbursed in his service?—Before I left India, I have.

168. How much?—I think 5,500 *l.* in all.

169. Did you, in England, receive any more money from the Ameer?—That includes the whole sum in England and in India.

170. You say that you paid upwards of 1,000 *l.* beyond that out of your own money; is that so?—Yes.

171. You have said that Mr. Butt, in the name of the Ameer, dismissed you from his service?—Yes.

172. Do you remember the terms which he used to you upon that occasion?—He told the Ameer that if I remained in his service, that one shilling of his money, or a portion of his lands, he would never receive, and that Mr. Vernon Smith authorised him to tell him that; that that was the direction from the Board of Control.

173. Was that all that he said?—It was not once or twice, it was full a week going on.

174. Did not Mr. Butt, on one occasion, tell you to leave the room?—Yes.

175. Do you remember why it was he did that?—Because I told the Ameer that if I was treated in this way, I should go out to Bombay and prosecute my claims.

176. Against the Ameer?—Yes.

177. Did you not say you would have him arrested?—I said I could have it done.

178. Was it then that Mr. Butt told you to leave the room?—Oh, no.

179. When was it, before or after that, that Mr. Butt told you to leave the room?—I think before that, but Mr. Butt apologised.

180. Did Mr. Butt state the reason why he dismissed you from the Ameer's service?—For forwarding that telegram.

181. The telegram accusing the Ameer of disloyalty to the Government?—Yes.

182. That is the telegram which has been just read, from Sir Hamilton Seymour to the Board of Control here?—Yes. (*The telegram from Sir Hamilton Seymour was again read*).

183. Mr. Serjeant *Deasy*.] Will you tell the Committee which of the members of the embassy connected with the legation you saw at Vienna?—Upon my word I do not know; the only person I saw at the embassy at Vienna was a young gentleman in his shirt sleeves, on the lobby of the embassy.

184. Did you make any communication to him with respect to the Ameer?—To him I went, and what I asked was relative to the truth of the embarkation of the Coldstream Guards for India.

185. Did you make any communication to the gentleman in his shirt sleeves upon that lobby about the Ameer?—Yes.

186. Can you give us his name?—I do not know.

187. Did you see any other person connected with the embassy?—A chasseur.

188. Did you see any official person?—No official person whatever beyond the gentleman in his shirt sleeves.

189. Did any one from the embassy come to your hotel?—Yes.

190. Who was it?—Mr. Elliott, I presume.

191. What is Mr. Elliott's position in the embassy?—Secretary to the legation.

192. Did Mr. Elliott come to you of his own accord, or did you send for Mr. Elliott?—Mr. Elliott came to me of his own accord.

193. Was that before or after the communication with the gentleman in his shirt sleeves?—After.

194. Perhaps you could remember the name of the gentleman in his shirt sleeves. Is it Mr. Gould?—I can assure you that I do not know the gentleman's name. I did not ask his name. I have subsequently heard, within the last three weeks, that it was a Mr. Gould, but certainly only within three weeks.

195. Mr. *Bright*.] Did you leave your name and address with him, or at the embassy?—I fancy not.

196. Mr. Serjeant *Deasy*.] However, the secretary of the legation came to see

Mr. *E. L. Coffey.*

23 Feb. 1858.

you at your hotel?—I left a card for Sir Hamilton Seymour at his private residence; I left the Ameer's card and my own.

197. Did you make to Mr. Elliott any communication respecting the Ameer?—Certainly not. When Mr. Elliott came to see me I was engaged in conversation with the chamberlain of the King of Sweden, who was waiting to be presented to the Ameer in his court dress; and during the time Mr. Elliott was in the room with me, the whole time was occupied in talking to this foreign gentleman.

198. Had you any conversation with Mr. Elliott about the Ameer upon that occasion?—I asked Mr. Elliott would he come down and see his Highness; Mr. Elliott replied to me, "Has he been presented at St. James's;" I said, "No." Then he declined to go. I said that was one of the things that his Highness was sore about, not being presented.

199. Was that the only communication you had with Mr. Elliott about the Ameer?—Distinctly and decidedly the only one. Mr. Elliott asked me where his Highness was going to; I told him to Khyarpore.

200. You never said, either to the gentleman in his shirt sleeves, or to Mr. Elliott, anything imputing any positive disloyalty to the Ameer?—Positively and distinctly not; I had no object, no motive; I could not.

201. And, of course, you did not?—Of course, I did not.

202. Did you ever state to Mr. Elliott that you would, if it was thought desirable, detain the Ameer?—I distinctly told him, as I said in my statement, that if Bombay was in a state of insurrection, that I would not wish to go there with the Ameer; that it would embarrass the Government. Recollect, sir, I had served 22 years in India, and I was perfectly well aware of the danger there was in bringing a Mussulman Prince into Bombay at the time of the Mohurrun festival, in which every Moslem is excited; that it would be dangerous, as much for the Ameer's own interest as for the interest of our Government. I was glad to keep him out of a place where his name might be a watchword or rallying cry for the opposite faction.

203. Still, after these two communications to the gentleman who was the secretary of the legation, the telegram was sent by Sir Hamilton Seymour here?—I did hear that 15 or 16 days after, but, as Sir Hamilton Seymour says, he attached no importance to it; he never asked my reasons for this disloyalty, and it is a singular thing if I went to Sir Hamilton Seymour and made a statement, impugning the disloyalty of this man, that I was not questioned for my reasons; because, had my statement been true or not, Sir Hamilton Seymour was bound to ask my reasons for impugning him. I was never asked, directly or indirectly, my reasons. Sir Hamilton Seymour says, had he been forwarding a despatch he would have deemed the information of no importance. Why Sir Hamilton Seymour should form that opinion, without getting my reasons for giving that information, appears inexplicable.

204. In consequence of that Mr. Butt said he would dismiss you from the Ameer's service?—To the Ameer.

205. Did you write to your brothers at home, or either of them, any statement of the circumstances of your dismissal?—Every single word of it; a copy of which letter I have transmitted to the President of the Board of Control.

206. Did you in this letter complain of Mr. Butt's conduct?—I did, certainly.

207. Did you say he had treated you like a dog?—Certainly; perhaps not like a dog. I do not mean to say that I used such an expression.

208. Something to that effect?—Certainly not. I mean to say he treated me badly, and every thing else.

209. You wrote in terms of indignation at his conduct?—My letters to my brothers, private and public, are quite ready to be produced to the Committee.

210. Mr. *Roebuck.*] Have you the letters?—I have copies of them in this book.

211. *Chairman.*] Are they addressed to your brother?—They are addressed to my brother, immediately after this transaction, in which I considered that Mr. Butt behaved so badly to me.

212. Of those letters you have copies?—Yes.

213. What was this letter, addressed by you to the Board of Control?—Asking Mr. Vernon Smith certain questions, stating that an official document had

had been transmitted by Ali Akbar to the Board of Control, accusing me of receiving certain sums of money; that a telegram had been sent from Vienna, in which I had impugned the loyalty of the Ameer; and that on those two grounds he had deputed Mr. Butt to take Mr. Irwin and Captain Langley with him out to Trieste, and dismiss me from the service of the Ameer. I stated to Mr. Vernon Smith that I denied distinctly and unequivocally my want of faith to the Ameer, and I stated that those sums that were explicitly mentioned by Ali Akbar as having been appropriated by me, were received by Mr. Isaac Butt, and that I had neither hand, act, nor part in the money, not a shilling; I had not even had the cheques in my hand. Mr. Butt told me when he showed me Ali Moorad's paper, that he had informed Mr. Vernon Smith that Mr. Coffey's accounts were clear, and that this was all matter of spite; that Mr. Coffey did not get that money. What I complain of is, that Mr. Butt did not tell Mr. Vernon Smith, "Mr. Coffey did not get that money, but I got it."

214. Where did you write that letter?—From London, to Mr. Vernon Smith in London.

215. What date?—I should say that I wrote to Mr. Vernon Smith three letters; I first wrote a letter publicly on the 23d of November 1857, in which I made this statement; the second I wrote to him was sending him categorical questions which I requested him to answer.

216. What is the date of the second letter?—The 12th of December.

217. What is the date of the third letter?—The third was a private letter, requesting Mr. Vernon Smith even privately to answer my questions; it was dated January the 2d, 1858.

218. The first two were public letters?—Yes. I have got a public reply to what I considered my private letter; in my letter I stated to Mr. Vernon Smith, that if he chose to reply to me, I would consider his answer private.

219. Mr. *Roebuck.*] And he wrote to you publicly?—He wrote to me publicly, by his secretary.

220. Mr. *Sidney Herbert.*] Did that one reply cover the three letters?—No, each letter was replied to.

221. Mr. Serjeant *Kinglake.*] Have you the answers to your letters?—Yes.

222. Mr. Serjeant *Deasy.*] You communicated, as you say, to your brothers, all the particulars of your dismissal at Trieste?—Yes.

223. Were you equally communicative to them respecting the particulars of all the transactions between the Ameer and Mr. Butt?—All the transactions of which they had any knowledge; there were many matters that my brothers had no knowledge of.

224. Did you communicate to them the agreement about the 10,000 *l.*?—Certainly not.

225. Did you communicate to them the agreement about the 5,000 *l.*?—Certainly not.

226. Did you communicate it to any one?—I did not communicate any transactions between Mr. Butt and myself; they were strictly private and confidential.

227. Your brother David, I think, introduced Mr. Butt to you, or introduced you to Mr. Butt?—Yes.

228. Was it before or after Mr. Butt presented the Ameer's petition to the House that he was introduced to you by your brother?—Before.

229. Your brother James was very intimate with Mr. Butt, was not he?—I presume so.

230. You are aware, I believe, that they are members of the same profession and the same circuit; was your brother James much in London about 1856?—Yes, I think he was, once or twice.

231. Did he frequently go with you to Mr. Butt's?—Yes, we met frequently.

232. Was he stopping at Mr. Butt's lodgings at the time?—He was stopping in Mr. Butt's lodgings when the first petition was presented; the only petition.

233. Had not he got a room in the same house?—I do not know.

234. Do not you know that he was stopping at the same lodgings?—I am not quite sure; but I perfectly recollect his saying that he sat up one night

Mr. *E. L. Coffey.*

23 Feb. 1858.

with Mr. Butt, and I was under the impression that he was Mr. Butt's guest.

235. Was that in preparing the Ameer's petition?—That was in preparing the Ameer's petition.

236. Was not your brother constantly present at interviews between you and Mr. Butt after that?—While he remained in London; he remained in London only two or three days.

237. I think you said that he came back again?—Yes, certainly.

238. Now, how soon after that did your brother James come back?—I cannot speak from memory.

239. About how long was it before the Session of Parliament terminated in 1856?—Pray bear with me; remember at that time I had been 22 years away from England, not knowing anything of the country or Sessions of Parliament or anything else; I had been so much abroad.

240. Cannot you say whether your brother James came back to London before the termination of the Session of Parliament?—I cannot say; my brother James I know kept a diary every time he came to London, and he has got it noted down. The only thing I know that would bring the matter at all to my mind, would be looking at my cheque book; because from my own funds I paid my brother his expenses in coming over to attend to the Ameer's business. By examining my cheque book I could ascertain, because I gave him 100 guineas for his expenses.

241. Your brother James was employed upon the Ameer's business?—Yes, since 1855.

242. As counsel?—As his confidential adviser.

243. Was your brother David employed as his solicitor?—Yes.

244. And in what capacity were you employed?—As secretary.

245. Do you know Messrs. Hunt, the solicitors?—Yes.

246. Were Messrs. Hunt ever employed by the Ameer?—They were employed by the Ameer; they were employed by my brother David Coffey, who found it did not suit him to carry on this business in London; he did not know sufficient of London solicitors, and he looked out for a respectable firm to conduct this business for him, and my brother David gave that business himself to Messrs. Hunt.

247. Were Messrs. Hunt instructed by the Ameer to sue you?—Certainly not, to my knowledge; never.

248. Did you ever see any entry to that effect in their bill of costs?—No, not to sue me; I saw the examination of my accounts, which the Ameer explained to me.

249. When was it exactly that Mr. Butt made this statement to you about his not being a rich man, and wanting money for his services?—After the presentation of the petition.

250. How long after the presentation of the petition?—Between that and the moving for the papers; between that and July. The petition, I am sure, was presented some time in June.

251. Will you tell the Committee where it was that that conversation took place with reference to Mr. Butt not being a rich man, and requiring remuneration for his services?—Walking with Mr. Butt; I should fancy walking down to Cannon-row; but this conversation not only occurred once, but it has been repeated repeatedly; it is a repeated string of conversations in going backwards and forwards, the same as everything else has been mentioned, more than once, between Mr. Butt and myself.

252. How often did Mr. Butt make the statement to you at that time, between the presentation of the petition and the motion for the production of papers?—I cannot say how often; frequently.

253. Can you go near it?—No, I cannot say; three or four times.

254. Can you fix any place at which that conversation occurred, except in walking down to Cannon-row; can you fix any other place at all for that conversation, except that one?—At that time I certainly paid no attention to them. I did not fix the periods and the places so much on my memory, but I should say at any time we met upon the subject we talked of it.

255. Did you meet frequently?—We did meet frequently, certainly.

256. And

256. And every time you met he spoke of this matter of remuneration?—Yes; it was a mutual subject of conversation.

257. Did you give any answer to Mr. Butt?—Yes; that he was secure of getting the money; that there was not the least doubt, that, if these lands were restored, the Ameer would pay him, and that I would see that it was done.

258. What was the first occasion upon which you mentioned the terms?—At the first time after I had mentioned it to the Ameer. I had first taken the Ameer's instructions.

259. Can you tell the Committee where it was that you communicated with Mr. Butt that you had got the Ameer's authority to tender him the 5,000 *l.*?—I fancy it was at his lodgings, in Cleveland-row.

260. How long after Mr. Butt had made the first communication upon the subject to you was that?—Immediately.

261. The same day?—Well, perhaps that day or the day after.

262. Was your brother James in London then?—He may or he may not; I am not quite sure; my impression is that he was not.

263. After you had told Mr. Butt that you had the Ameer's authority to make that agreement, did he express himself satisfied?—Yes.

264. Had you any conversation with Mr. Butt upon the subject after that?—We frequently alluded to it; it has been alluded to the whole time.

265. Wherever you met him?—Yes.

266. Was your brother ever present at any of those allusions?—No.

267. Neither your brother David nor your brother James?—No; they were not.

268. Was anybody else ever present?—No; Mr. Butt's communications with me were most private.

269. No money was paid upon that occasion, in 1856?—No money was paid by the Ameer, certainly.

270. By the Ameer to Mr. Butt?—Certainly and distinctly not; no money was paid by the Ameer till the 12th of August 1857.

271. Do you remember any other counsel being retained for the Ameer, except Mr. Butt and your brother?—I recollect Messrs. Hunt retaining Sir FitzRoy Kelly, Mr. Karslake, Mr. Lloyd, and Mr. Cairns.

272. I am speaking of the year 1856?—Those were the only counsel that were retained in any case. I do not know whether they were retained in 1856 or 1857.

273. In July 1856, were there any consultations between those counsel about the Ameer's affairs?—Yes, I think they did meet; Mr. Ayrton and Sir FitzRoy Kelly.

274. Was Mr. Butt there?—Mr. Butt was there upon one occasion.

275. Mr. *Roebuck.*] Was Mr. Ayrton a Member of this House at that time?—No, certainly not.

275*. Mr. Serjeant *Deasy.*] Do you remember a consultation at Sir FitzRoy Kelly's house, at which Mr. Butt attended?—I do perfectly recollect remitting Mr. Butt 20 or 25 guineas from my own pocket to attend on some consultation.

276. I am speaking of the month of July 1856; was there any consultation at Sir FitzRoy Kelly's chambers or house, or anywhere?—There were many consultations.

277. Was Mr. Butt at any of those consultations?—Mr. Butt was at one consultation at Sir FitzRoy Kelly's chambers.

278. What time was that consultation?—I cannot exactly say.

279. Was it in July 1856, or was it in August, or in 1856 at all?—It may be 1856 or 1857; my impression is, that it was 1857.

280. Do you remember a consultation in 1856, at which Sir FitzRoy Kelly was present, at which it was determined to present a petition to the Queen, on behalf of the Ameer?—Yes.

281. Was Mr. Butt present at that consultation?—There were two consultations. I have a perfect recollection of twice when he was present with Sir FitzRoy Kelly; once at Sir FitzRoy Kelly's house, in Piccadilly, and once at his chambers; beyond that I have no recollection.

282. You remember Mr. Butt being present at the consultation at which the petition to the Queen was decided on?—No, I did not say it was decided on; it was talked of.

Mr. *E. L. Coffey.*

23 Feb. 1858.

283. Did not you know that such a petition, in fact, was presented?—At that consultation it was not decided on presenting that petition.

284. Was it decided to present a petition to the Queen at any consultation?—Yes, afterwards.

285. Was Mr. Butt present at the consultation at which it was decided to present a petition to the Queen?—I am not quite sure. Messrs. Hunt will perfectly recollect the circumstance. But Mr. Butt was not there as a legal adviser, because he received no fee for it, nor was he summoned by a solicitor.

286. You say that Mr. Butt did not attend there professionally, because he did not receive a fee; was he offered a fee?—No.

287. Now recollect yourself; are you certain of it?—For one of those interviews, I sent over his expenses from Dublin, and I am under the impression that it was for the consultation at Sir FitzRoy Kelly's chambers.

288. I am speaking of consultations in 1856, and not the one to which you refer, when the 25 guineas, as you say, were paid?—I sent only one sum.

289. Just attend to my question; was not Mr. Butt offered a fee for attending some one of those consultations in 1856?—He could only have been offered a fee through me, and I only paid him once.

290. You say that it could only have been done through you; were not the Messrs. Hunt acting as solicitors for the Ameer?—I am confident Messrs. Hunt did not do it, and I am equally confident that I did not instruct my brother to do it.

291. In short, you are positive that it was not done?—I am positive that it was not done.

292. *Chairman.*] Can you fix the date of the payment of the fee by you to Mr. Butt?—No, I cannot; by looking at my cheque-book I can.

293. If you have any memorandum which will fix it, perhaps you will be good enough to state the date to-morrow morning?—Yes.

Mercurii, 24° die Februarii, 1858.

MEMBERS PRESENT.

Mr. Bouverie.	Mr. Serjeant Kinglake.
Mr. Bright.	Colonel Wilson Patten.
General Codrington.	
Sir James Graham.	Mr. Serjeant Deasy.
Mr. Sidney Herbert.	Mr. Roebuck.

THE RIGHT HON. Sir J. R. G. GRAHAM, BART., IN THE CHAIR.

Mr. *Edward Lees Coffey*, called in; and further Examined.

Mr. *E. L. Coffey.*

24 Feb. 1858.

294. *Chairman.*] CAN you produce a copy of the memorandum of agreement between you and the Ameer Ali Moorad with relation to your remuneration?—Yes.

295. Will you put it in?—It is not a copy, it is the original (*handing in a paper*).

296. Is it in English?—My own is in English.

297. Is this the translation?—It is not the translation; it is what I wrote to his Highness, because I never had that translated to me.

298. Colonel *Wilson Patten.*] Was your copy of the agreement which you gave to the Ameer, in English, signed by the Ameer?—A copy of what is there I forwarded to his Highness at Khyarpore from Kurrachee.

Vide Appendix.

299. He did not sign the English document?—No. (*The Memorandum was delivered in.*)

300. Mr. *Bright.*] Was it written before or after the agreement?—It acknowledges the receipt of his Highness's Persian perwanna immediately; and that is the letter on the receipt of his Highness's Persian perwanna. I explained to you that

that his Highness did not wish that any person should know of his coming to England; and as he gave me that in Persian, I did not have it translated; I did not show it to a soul until I arrived in England. His reasons for not wishing that to be translated were, that the Government were hostile to his coming over to England.

301. Mr. Serjeant *Deasy*.] Is that the original letter?—A copy of that was sent on the same paper. I am quite satisfied that the Committee, when his Highness's perwanna is translated, will say that it is in substance and words almost to the same effect. The Ameer has the original of that.

302. *Chairman*.] Have you looked in your bank-book, and can you fix the precise date of the draft of the 300 *l*. to Mr. Butt?—On the 11th of August; it is not in my bank-book; it is drawn separately by the Ameer from his own private account.

303. I refer to the money which was paid by you as a fee to Mr. Butt for attending the consultation?—In February.

304. What day of February?—My cheque was drawn the 15th of February 1857.

305. Mr. Serjeant *Kinglake*.] Was that for 25 guineas?—Twenty pounds.

306. Mr. Serjeant *Deasy*.] About what time in 1857 was it determined that the Ameer should go to India?—Between July and August.

307. At that time I believe the news of the mutiny in India had arrived in this country?—Yes.

308. Was it not considered advisable for the Ameer's interest that he should go to India as quick as possible?—So Mr. Butt stated.

309. Did not the Ameer himself see Mr. Vernon Smith?—He did.

310. Did not Mr. Vernon Smith state, in your presence, that it was advisable the Ameer should go to India as expeditiously as possible?—Certainly he did.

311. Have you any means of fixing the day on which you left England with the Ameer?—Yes.

312. Can you give it to me?—On the day that Mr. Butt received the cheque for 1,999 *l*.

313. What date is that?—On the 22d of August.

314. Was not that a Saturday?—Yes, Saturday.

315. At what time was the next packet to sail from Trieste?—On the 27th.

316. Was it not arranged that the Ameer and you should go by that packet of the 27th?—Not then: it was arranged, had we started on the 20th, it was a moral impossibility to have reached Trieste on the 27th, leaving London on the 22d.

317. Will you explain to the Committee how it was impossible to leave London on the evening of the 22d, and to be in Trieste in time for the packet on the 27th?—Because, leaving London on the evening of the 22d, we should have travelled night and day, without ever leaving the railway carriages, without ever leaving the steam packet. We should have gone from the steam packet into the railway carriages, from the railway carriages to the different continental cities which we passed in our journey through. The habits of all Mussulmen precluding them from eating, except at certain times in the day, and at those times it is known to all gentlemen of the Committee present, I believe that it is necessary for them to cook themselves; that they will not eat what Europeans eat; they will not eat what Europeans cook. Generally speaking, Mussulmen are most particular in killing themselves the animals that they eat. The Ameer had a number of Mussulmen servants with him, who all adhered to their religious prejudices, and the Ameer himself had an insurmountable objection to travel after sundown. He required to say his prayers; for the Mussulmen creed appoints that they should pray to the tomb of the Prophet at sundown; and the Ameer, at every journey we made, always made it a point that the journey should cease at or about sundown. He was an old man; and certainly, even if all those prejudices were got over, he was perfectly unable to travel night and day. I myself have travelled a good deal all my life, and I do not think that, physically, I would have been able to have undertaken to travel night and day five days without rest.

318. Will you tell the Committee when was the next packet after the 27th to sail from Trieste?—The 10th of the following month.

319. Did you state before leaving England, either to Mr. Butt or to your brothers, that you were going by the packet leaving Trieste on the 27th?—They may have understood so; but they were perfectly aware that it was not possible,

Mr *E. L. Coffey.*

24 Feb. 1858.

inasmuch as those blank stamps were forwarded to me at Paris so as to reach me on Monday.

320. Is that the only answer you can give to that question; did you tell either of them that you were leaving by the packet of the 27th?—Certainly not on the 27th. Had we started on the 20th, I would have got to Trieste on the 27th.

321. Did you tell them before leaving England that you were going to sail by the packet of the 27th?—No.

322. At any time?—On the 20th I did; if we had left London on the 20th.

323. You did tell them that you intended to leave by the packet of the 27th?—Had we left London on the 20th; it was arranged at first that we should leave London on the 20th.

324. You left London on Saturday evening the 22d, is not that so?—Yes.

325. For Paris?—Yes.

326. Arriving in Paris, I presume, the next day?—The next night; the Ameer would not cross to Boulogne at night.

327. How long did you remain in Paris?—Until the following Thursday.

328. Is that letter in your handwriting (*handing a letter to the Witness*)?—Yes.

Vide Appendix.

A letter commencing "En route to Frankfort" was read.

329. Was that letter written on Monday at Paris?—It was.

330. Where was that letter posted?—It bears the Paris post-mark of the 27th.

331. That is Thursday?—Yes.

332. That is the day you left Paris?—Yes.

333. Were you in point of fact *en route* to Frankfort on that Monday?—I intended to have started on that day; all my arrangements were made.

334. Did you hope to reach Vienna the next evening from Paris?—Well, you see ——.

335. Did you?—When I wrote that letter I had not examined my guide book; I had not been over the journey before; I fancied we might; I wrote it without consideration.

336. You knew then all about the habits of Mussulmen?—Certainly.

337. Did you believe that you could, consistently with those habits, reach Vienna the following evening from Paris?—No.

338. You did not believe it?—Believe I could reach Vienna? I thought when I wrote that letter, which the Committee, I hope, will give me an opportunity of explaining, ——

339. Answer my question first, and then explain; did you believe when you wrote that letter, that you would reach Vienna the next evening?—I thought it was a day's journey.

340. A day's journey from Paris?—Yes.

341. Travelling with a Mussulman who could not travel by night. (*The Witness paused.*)

342. Did you believe it?—The probability ——

343. Did you believe it?—Recollect in that letter there are two days for it. I had the whole of Monday and the whole of Tuesday. I did believe it.

344. You left Paris on Thursday?—On Thursday.

345. What was your first stage in the journey from Paris?—I think we left very late on Thursday evening, and we went as far as Carlsruhe.

346. Did you travel by night?—No.

347. Will you give me the next stage on your journey?—The next stage, I think, was to Frankfort. If you will allow me to see the letter which I wrote to my brother from Trieste upon this, I will give you the stages as we travelled.

348. I would rather have them from memory?—To the best of my recollection I am not sure whether it was Carlsruhe or Chateau Thierry that we went to first. We left so very late that we made only a journey of three hours.

349. And the next stage was Frankfort?—The next stage must have been either Carlsruhe or Frankfort from Chateau Thierry; it was Chateau Thierry; it is firmly impressed upon my memory, because the night we went into Chateau Thierry there were a number of troops located there which were going to a review which the Emperor was about holding, and the Ameer had his cook to kill

kill a fowl which flew out with its throat cut, into the court-yard of the hotel where we were, amongst these people.

350. Did you go to Dresden?—Yes, we went to Dresden.

351. How long after you left Paris did you reach Dresden?—Allow me to refer to my book.

352. Give it from your memory, or say that you do not recollect?—I have not an idea of it; but I should say this, we travelled daily 12 hours; we had 12 hours' travelling each day, but the precise date that we reached Dresden I cannot give you.

353. Can you tell me how long after you left Paris did you reach Vienna?—We were in Vienna, I think, as well as I recollect, on the 5th of September.

354. Leaving Paris on the 27th?—Yes.

355. How long did you remain in Vienna?—We remained in Vienna until I received money from London.

356. How long was that; how many days?—Three or four days.

357. What time did you arrive at Trieste?—We arrived at Trieste on the evening of the 11th.

358. The packet had sailed on the 10th?—Yes.

359. Did any one besides the Ameer and his attendants accompany you from Paris to Trieste?—Yes.

360. Who was it?—A lady and her son.

361. Who was the lady?—Mrs. Parr.

362. Did you meet her in Paris?—Yes.

363. Was it by arrangement that you met her in Paris; did you know or expect on leaving London that you would meet her in Paris?—Yes.

364. She and her son accompanied you?—Yes.

365. How far did the son go?—The whole way.

366. To Trieste?—To Vienna.

367. Did she go on to Trieste?—Not with us.

368. Did she go after you?—Yes, with her son and another party.

369. And then she and her son went on to Trieste?—Yes.

370. Was she stopping in the same hotel with you?—No.

371. At Vienna, or Trieste?—That makes a difference; at Vienna, yes; at Trieste, no; we parted at Vienna.

372. How long after you did she remain in Vienna?—Some days; I think, two days.

373. She arrived at Trieste, I suppose, about the 13th?—Yes, perhaps so; no, if she remained two days, and we arrived there on the 11th, she must have been there on the 15th.

374. Mr. *Bright.*] You arrived on the 11th, and she stayed two days after you; she might have arrived on the 13th?—Yes.

375. Mr. Serjeant *Deasy.*] How long did she remain at Trieste?—Until her arrangements were completed for going to Venice.

376. What time was that?—Three or four days; really, her stay was so very unimportant to me; I had other things to attend to.

377. She was staying at the hotel, I think, at Vienna, with you?—Yes.

378. Was she present at the interview with Mr. Elliott?—She was present at the interview at the hotel; Mr. Elliott was in Mrs. Parr's drawing-room.

379. Was it there that you spoke to Mr. Elliott about the Indian news?—Any conversation that I had with Mr. Elliott was there.

380. Mrs. Parr was not, as I understand, stopping at the same hotel with you at Trieste?—No.

381. Did she go with you to the office of the Austrian Lloyds?—Yes.

382. More than once?—No, I should say once.

383. I believe you, after your dismissal from the Ameer's service, went to Venice?—You mistake that word dismissal, because I was not a servant of the Ameer's.

384. After the termination of your connexion with the Ameer, did you go to Venice?—I was the Ameer's friend, not his servant.

385. You know that the period to which I refer is of importance; after Mr. Butt had taken upon him to dismiss you from the Ameer's service, did you go to Venice?—After I left Trieste, I went direct to Venice.

386. Did you happen to meet this lady there?—I went for the purpose of meeting her; she wrote to me to go there.

Mr. *E. L. Coffey.*

24 Feb. 1858.

387. From Venice?—Yes.

388. Had you been long acquainted with her in London?—She is an acquaintance of my family's for some 20 or 22 years, but of myself only since I came home.

389. When you say acquainted with your family, do you mean that she is acquainted with your brothers, James and David?—Yes, and with my cousins. I was introduced to Mrs. Parr by my cousin; she is also acquainted with my aunts.

390. Mr. *Roebuck.*] Who are they?—Miss O'Connells, of Boulogne.

391. Mr. Serjeant *Deasy.*] Mrs. Parr is a lady of high respectability, I presume?—Undoubtedly so.

392. Will you tell the Committee how you came home from Venice; by which route?—I came home by Leghorn, Genoa, Naples, Civita Vecchia.

393. Mr. *Bright.*] You did not go exactly in the way you have mentioned, I suppose?—No, Naples was our last place.

394. Mr. Serjeant *Deasy.*] You went from Venice to Naples?—It was partly a coasting voyage.

395. Did this lady accompany you to Naples?—This lady has an insurmountable objection to going across the sea; for that reason, she went to Trieste, to travel by diligence from Trieste to Venice. She did not accompany me. I am accounting for it by saying ——

396. Did she accompany you any part of the way?—No.

397. Where did you part with her?—At Venice.

398. Will you tell the Committee when you came to London?—I came to London, I think, early in November; at the latter end of October, or early in November.

399. You have been in London, I presume, since?—Yes.

400. Where have you been living?—In London.

401. That is your answer?—Yes.

402. Are you a married man?—I am.

403. Have you been living with your wife?—No.

404. Are not you separated from your wife?—Not separated.

405. You have not been living with her?—We have had differences, my wife being a Protestant and I being a Roman Catholic. It is painful; but it is due to myself to give my reasons. Mr. Butt is aware of the reasons.

406. Is that the sole reason of your difference?—The sole reason.

407. Will you tell the Committee when first you communicated with Mr. Roebuck respecting this petition?—Eight or ten days ago.

408. How many interviews have you had with him?—Three or four, or perhaps five: three or four I should say altogether.

409. Was Mrs. Parr present at any of those interviews?—Yes.

410. How many?—One or two.

411. Was that the first or second, or third or fourth?—The first interview with Mr. Roebuck was by myself.

412. She was present at either one or two?—Yes.

413. Has not Mrs. Parr been taking an active part in urging on the presentation of this petition?—As far as her own vindication is concerned she has.

414. From what charge or imputation was she to vindicate herself?—Her name was introduced.

415. When, and by whom?—By inference, if not directly, by Mr. Butt.

416. On what occasion?—In addressing a letter to my brother.

417. Is that the letter that was read here yesterday to the Committee?—Yes.

418. The letter to your brother from Trieste?—Yes.

419. And it is to vindicate herself from that foul aspersion that she comes forward?—I mentioned at Trieste to Mr. Butt that that lady was with me, and was present at the conversation with Mr. Elliott.

420. Then the aspersion is that her statement of what occurred at that interview is not correct?—Certainly not; that is not the aspersion. The aspersion is that I introduced her as my wife.

421. In what document was that statement contained that you had represented her as your wife at that interview?—In the letter from my brother to me.

422. I am asking now as to any statement coming from Mr. Butt?—I answered by inference, or directly by Mr. Butt.

423. I ask you what is the statement coming from Mr. Butt to that effect?—I do not understand the nature of your question.

424. What is the statement which you say came from Mr. Butt that you represented her at that interview at Vienna as your wife?—Because it was only to Mr. Butt that I mentioned that Mrs. Parr was there; it was to Mr. Butt, at Trieste, I mentioned that.

425. Will you explain how, or in what manner, any imputation that you had represented her as your wife, at that interview, came from Mr. Butt?—By a letter from my brother to me; on the receipt of which letter, I suspended proceedings until Mrs. Parr came to London; and the moment Mrs. Parr came to London, I said, placing the letter in her hand, "Read that; if you think that you are compromised, or will be compromised in the eyes of the world, I shall put that letter in the fire, and leave the country, and sooner than your name shall be brought in, or a taint should rest on you, I shall cease proceedings." Mrs. Parr said, "No; make a promise to me, which I hope you will keep." I said, "Certainly." She said, "Give me that letter into my hand." She received the letter, and directly went with it to Mr. Vernon Smith, at the Board of Control, to put the matter beyond doubt. She said, "The only way of vindicating my reputation, and allowing me not to suffer in the eyes of your brothers and everybody else is, to proceed with this business, and have it sifted to the uttermost."

426. You say that you had upon the receipt of that letter suspended proceedings?—Before the receipt of that letter; I was going on with the proceedings then: writing, making these arrangements, and on the receipt of that letter I stopped until I placed it in Mrs. Parr's hands.

427. When did you receive that letter?—It bears no date; but I received it some days before the dispatch of my letter to Mr. Vernon Smith.

428. That leaves me still as much in ignorance of the period of its receipt as I was previously; can you tell me now at what time you received that letter; about what time; I do not want you to fix the day?—It was early in November I got this letter.

429. It was before or about that date you got that letter from your brother?—Before the dispatch of that letter.

430. Have you that letter?—(*The same was handed in.*)

431. Did I rightly understand you to say, that you suspended proceedings before the receipt of that letter, or on the receipt of that letter?—On the receipt of that letter.

432. Mr. *Roebuck.*] The letter itself is a letter from your brother to you?—Yes.

433. *Chairman.*] It is a letter without date; you are sure it was received before the 25th of November?—Yes.

434. Mr. *Bright.*] Which brother wrote the letter?—James. (*The letter was read.*) *Vide* Appendix.

435. Mr. Serjeant *Deasy.*] On the receipt of that letter you suspended proceedings?—Until I saw Mrs. Parr.

436. How soon after did you see Mrs. Parr?—Some three or four days.

437. Where was she living?—At her own house.

438. Where is that?—Bond-street, No 17.

439. A private residence, I suppose?—A private residence.

440. Have you been there?—Yes.

441. Frequently?—Frequently.

442. Did you write from Trieste to any one connected with the legation respecting what occurred at the interview?—I did.

443. To whom?—To Mr. Irwin.

444. What position does he fill in the Embassy?—Mr. Irwin is the person that Mr. Butt reported to me was the author of this conversation.

445. You had had no interview with Mr. Irwin?—At that time I perhaps thought I had.

446. Did you get an answer?—I did.

447. Have you got it?—Yes.

A Letter from Mr. Elliott, the Secretary of the Embassy at Vienna, addressed to Mr. Coffey, bearing date October 5th, 1857, was put in, and read. *Vide* Appendix.

The *Witness.*—That is the charge handed in to me by Mr. Butt at Trieste (*handing a paper to Mr. Roebuck*).

Mr. *E. L. Coffey.*

24 Feb. 1858.

448. Mr. *Roebuck.*] Was that enclosed in that letter?—It was; on that I wrote to Mr. Irwin, on the receipt of that from Mr. Butt; Mr. Butt's letter to my brother states that Mr. Irwin was the person.

449. Mr. Serjeant *Deasy.*] See if that is a copy of the memorandum referred to (*handing a paper to the Witness*). Is that a copy of your own statement?—I fancy it is, but my own statement is embodied in a letter to Mr. Vernon Smith.

450. Is that a correct copy; did not Mr. Butt give you at Trieste that document now in the right hand of the Chairman?—After I had written my statement, and given it to Mr. Butt, he did; after I had written my recollections.

451. Just tell the Committee for what purpose he gave it to you. Was not it in order that you might get an explanation from the embassy?—He gave me that purporting to be a minute of the conversation that he held with Mr. Irwin, at the embassy; it is docketed on the back.

452. *Chairman.*] You state that what is called the memorandum of your recollections was written before this paper was put into your hand by Mr. Butt?—My statement of my recollection of the conversation was written before that was put into my hands.

453. You state that distinctly?—Distinctly.

454. According to the order in which these papers stand, your memorandum of recollections should be read before this which was put into your hand by Mr. Butt?—Precisely so.

455. Mr. *Sidney Herbert.*] Are you satisfied that that is accurate?—I fancy it is almost the very same thing; it will save the Committee the trouble of getting it out of my letter to Mr. Vernon Smith.

456. *Chairman.*] This is the document referred to in Mr. Elliott's answer to you?—No, it is not, because Mr. Butt states in that document that I went to the embassy.

457. Mr. *Roebuck.*] That which the Chairman now holds in his hand is the document enclosed in the letter to Mr. Irwin?—Yes.

458. *Chairman.*] Mr. Elliott writes, "Mr. Irwin has communicated to me your letter of the 28th of September, enclosing a memorandum of your recollections." Is this memorandum of your recollections, the document to which Mr. Elliott refers, as enclosed to Mr. Irwin by you?—Yes.

Vide Appendix.

The memorandum relating to the interview at Vienna was read.

459. *Chairman.*] Then comes the Minute of the information given to the British Embassy by Mr. Coffey, 8th September, which is the Minute put into your hand at Trieste, by Mr. Butt, of what he had heard at Vienna was the nature of your communication?—Yes; I was at Vienna, at the embassy, on the 7th; my conversation with the gentleman in his shirt sleeves, was on the 7th.

Vide Appendix.

The Minute of the 8th of September was read.

Witness. That is the reply.

460. Mr. Serjeant *Deasy.*] Did you show that reply to Mr. Butt?—I did not get it until I got to London; the date shows that it was after Mr. Butt left Trieste.

461. Look at that document, and see if that is also in Mr. Elliott's handwriting, as far as you can judge (*handing a paper to the Witness*)?—Yes.

462. Did not you, at Trieste, urge Mr. Butt to write to Sir Hamilton Seymour respecting this conversation?—Mr. Butt offered to write to Sir Hamilton Seymour.

463. Did you leave Trieste for Venice before Sir Hamilton Seymour's answer came?—Yes.

464. Was not it arranged that if Sir Hamilton Seymour's answers were favourable, you should be recalled?—No; I never intended to go out again.

465. Do you know that, in point of fact, Mr. Butt did get an answer from Sir Hamilton Seymour?—I have heard that he did.

Vide Appendix.

A letter dated Vienna, 5th October, signed by Sir Hamilton Seymour, and addressed to Mr. Butt, was delivered in, and read.

Vide Appendix.

The memorandum of Mr. Elliott, enclosed in the above letter, was read.

Vide Appendix.

A letter from Sir Hamilton Seymour to Mr. Butt, dated 15th October 1857, and an enclosure, signed "G. Gould," were read.

466. Mr.

466. Mr. Serjeant *Deasy.*] Now your memorandum, which has been just read, was your statement of what occurred at the interview or interviews with the members of the Embassy of Vienna, at Trieste?—At Trieste.

467. Is there any mention made in it of your having referred to the Mahommedan festival of the Mohurrun?—No; but it was on account of the Mohurrun festival, coupled with the report of the regiment of the Guards going out, that I felt it my duty to call at the embassy.

468. You have been a long time in India; can you state what is the date of the Mohurrun festival?—It lasts about six weeks, and at different periods of the year. The Mahommedan months, as you are aware, are only 28 days; lunar months; not the same months as ours; of course it comes at different periods of our year.

469. Will you tell the Committee when it begins in our year?—In that year it began in September, and finished about the latter end of October, or the beginning of November; it lasted about six weeks.

470. But you did mention to one or other of the gentlemen connected with the embassy the Mohurrun festival as an additional reason for not wishing the Ameer to proceed?—No, certainly not; distinctly not. I mentioned in the event of Bombay being in revolt; at that time there was no news that the Bombay troops were disaffected; but I, knowing the habits of those people, was perfectly satisfied that they would be at some time or other, and events have justified the opinion which I then formed.

471. Did you tell either of them that Bombay was in a state of insurrection?—I asked them was it in a state of insurrection.

472. Did you give this answer yesterday in reply to my question 202, "Did you ever state to Mr. Elliott that you would, if it was thought desirable, detain the Ameer? I distinctly told him, as I said in my statement, that if Bombay was in a state of insurrection, I would not wish to go there with the Ameer; that it would embarrass the Government"?—If you look at my statement to Mr. Vernon Smith, I fancy it is clearly and distinctly stated that *if* Bombay was in a state of insurrection.

473. Is that reference in Mr. Elliott's statement to Mrs. Coffey or Mrs. C., what you call the imputation on Mrs. Parr?—Conveyed in my brother's letter.

474. You say that you suspended proceedings on the receipt of your brother's letter?—Yes.

475. Will you tell the Committee what proceedings you had taken up to the date of the receipt of that letter?—Preparing letters to the Board of Control to request Mr. Vernon Smith to inform me, was Mr. Butt authorised to go out there. Mr. Vernon Smith, when I came first to London, was the channel through whom I first expected to receive justice or an inquiry.

476. Had you taken any proceedings with respect to this petition?—Certainly not; this petition is a *dernier.*

477. When was it that you determined to present this petition?—When Mr. Vernon Smith declined to interfere in the matter.

478. Can you tell me when you got the communication from Mr. Vernon Smith, declining to interfere in the matter?—Last month; it is on record.

479. About when?—The 12th of December I wrote; that is the date of my letter.

480. When did you get the answer?—I got the answer seven or eight days after.

481. About the 20th of December?—I suppose so.

482. About eight days ago you first communicated with Mr. Roebuck?—Eight or ten days ago.

483. Did you give to Mr. Roebuck any statement in writing of your case against Mr. Butt?—Not at my interview with him.

484. At any time?—My impression is, no; I gave him copies of all my letters.

485. Did you give to him or to any one else any statement in writing of the particulars of your charge or case against Mr. Butt?—The parliamentary agent was the only person to whom I gave a written statement, and this was on examinations.

486. Will you tell me now who is your parliamentary agent?—I have none now.

 487. Who

Mr. *E. L. Coffey.*

24 Feb. 1858.

487. Who had you at any time?—Mr. Holmes.

488. When did you employ or retain Mr. Holmes as your parliamentary agent?—After my interview with Mr. Roebuck.

489. That is within eight days?—Within eight or ten days.

490. How long did he continue to act as your parliamentary agent?—Until my petition was presented.

491. Has he ceased to act now?—If there is any more work necessary to be carried on, of course he will carry it on.

492. He is not acting for you?—He has nothing to do now.

493. Did you give Mr. Holmes a statement in writing of your case against Mr. Butt?—No.

494. Did you to any one?—None, except my brother.

495. Did you to your brother?—To my brother and to Mr. Vernon Smith. These proceedings are founded on my letter to Mr. Vernon Smith, solely.

496. Answer my question: did you give to Mr. Vernon Smith a statement in writing of your charge against Mr. Butt contained in this petition?—Yes, distinctly.

497. *Chairman.*] Is it one of these letters?—The first letter.

498. The letter of the 25th of November?—Yes.

499. That is before the Committee?—Yes.

500. Mr. Serjeant *Deasy.*] Did you give to your brothers, or to either of them, a statement of the particulars of your charge against Mr. Butt?—No, not beyond my first letter to my brother from Trieste.

Vide Appendix.

A Letter to the Right Honourable Vernon Smith, the President of the Board of Control, signed "Edward Lees Coffey," and bearing date the 25th of November, 1857, was read.

Vide Appendix.

A Letter from the Secretary of the India Board to Mr. Coffey, dated November the 26th, 1857, was read.

Vide Appendix.

A letter from Mr. Coffey to the President of the Board of Control, dated the 12th of December, 1857, was read.

Vide Appendix.

A letter from the Secretary of the India Board to Mr. Coffey, dated the 22d of December, 1857, was read.

501. Mr. Serjeant *Deasy.*] You have heard your first letter to Mr. Vernon Smith read by the Chairman?—Yes.

502. Is that correct in all its particulars?—Yes, perfectly so.

503. Did you make any other statement to any one in writing of the particulars of the charge contained in your petition against Mr. Butt?—Any statements that I have made to any person have been in presenting that letter.

504. You have made none other?—I have made none other. Of course, with my parliamentary agent I have had conversations and statements in writing.

505. Had you any law agent or parliamentary agent when you sent in that document?—No.

506. Is it prepared by yourself?—By myself and by a friend.

507. Who was your friend?—A gentleman.

508. Would you favour the Committee with his name?—He is totally unconnected with parliamentary business or law agents. If the Committee require it, of course I have no objection. I have no objection to state the name, certainly not; Mr. Hale.

509. As you have given his name, would you say where he lives?—I really do not know where he lives; I am not aware; he is a son of Archdeacon Hale's. There is no doubt of his respectability; he is a barrister in the Middle Temple.

510. When did you first employ a law agent or a parliamentary agent in this business?—Some eight or ten days ago.

511. That was after your first communication with Mr. Roebuck?—After my first communication with Mr. Roebuck.

512. Was your petition prepared when you first saw Mr. Roebuck?—No.

513. When was it prepared, and by whom?—It was prepared by Mr. Holmes.

514. When?—After I had seen Mr. Roebuck.

515. How long after?—Some four or five days.

516. Did you give any statement, written or verbal, to Mr. Roebuck of the particulars of your charge against Mr. Butt?—I handed to him, to the best of my

Mr. *E. L. Coffey.*

24 Feb. 1858.

my recollection, copies of these letters to Mr. Vernon Smith, on the points of which Mr. Roebuck examined me very closely.

517. And you gave him, in answer to that examination, the particulars of the charge as detailed before the Committee?—The particulars of the charge of those two specific sums.

518. Which are the two specific sums; do you mean the 300 *l.* and the 2,000 *l.*?—Yes.

519. Did you give to him any statement of the particulars of the alleged agreement of 1856?—I mentioned it of course; distinctly so.

520. You told him all about it?—Yes.

521. I pass from that subject now to another. Look at that telegram; did you send that to Mr. Butt (*handing a paper to the Witness*)?—I cannot say that that is exactly a copy of my telegram. I did telegraph to Mr. Butt; I cannot say distinctly.

522. Did you telegraph to him on that day from Trieste?—I did telegraph.

523. What is the date of that?—I do not know. I merely read the substance of the message. I have no objection to acknowledge it. I will not say positively. (*The telegram was delivered in and read.*)

Vide Appendix.

524. Would you explain to the Committee what you meant by the term "Cash safe"?—That the Ameer would give Mr. Butt the remainder of the 8,000 *l.* You must remember that there was a dispute before leaving; the Ameer only gave him 2,000 *l.*, instead of the 3,000 *l.* which he was to get, and that if he did come with the despatch the remainder of the cash would be paid.

525. You had got in Paris the three blank stamps for 8,000 *l.*?—Yes.

526. Had you ever submitted them to the Ameer?—Certainly not.

527. Will you tell me what you meant to convey to Mr. Butt by the words, "Cash safe?"—That he would get the money.

528. The 8,000 *l.*?—Yes; that he would get the money.

529. Had you told the Ameer at the time that you sent that telegram, that you had got those three blank stamps from your brother for Mr. Butt?—No; but the Ameer informed me that the very moment he had the copy of the despatch, which was stated to have been sent by the Board of Control to India in his hand, he would give Mr. Butt the money; that is my reason for writing that; I think I have mentioned, if this telegraph is the same, that a letter of mine went about the same time to Mr. Butt.

530. The telegram used the words, "Passage taken"?—Yes.

531. Had you, at any time, paid for any passages for the Ameer, or for yourself, in the Austrian Lloyd's vessel?—Yes, I had lodged a cheque for 100 *l.* with the Austrian Lloyd's agent for a first class passage at Trieste, which cheque was discounted by their agency there, Messrs. Hach, Baurmann & Co.

532. Mr. *Roebuck.*] From Trieste?—Yes; and the money was returned to me at Trieste again after Mr. Butt's arrival.

533. To Alexandria?—From Trieste to Alexandria.

534. Mr. Serjeant *Deasy.*] When were the proceeds of that cheque returned to you?—After Mr. Butt's arrival.

535. I understand your evidence to be, that you paid 100 *l.* to the agents of the Austrian Lloyd's, at Trieste, for the passage of the Ameer to Alexandria?—In deposit for the passage of the Ameer to Alexandria.

536. And was it after Mr. Butt's arrival at Trieste, that you got back that deposit from the agent of the Austrian Lloyd's?—Certainly.

537. For what reason did you get that back?—Because I was not going with the Ameer; I left him to make his own arrangements.

538. Was not it part of the arrangement with Mr. Butt, before the Ameer and you left London, that he was to get 3,000 *l.* before he started, and that he was to get 7,000 *l.* secured by bills on India?—I mentioned that yesterday.

539. Did not he tell you, before you left London, that he could not leave without getting the money, and the bills?—He told me that he could not leave London; he told me it was necessary, now that he had completed that portion of his work, that he should get part of the money.

540. Did not he tell you that he should, before leaving Europe, receive that 3,000 *l.*, and the bills for the residue?—Yes; on the understanding that he completed the negotiations with the Board of Control. There was no necessity for Mr. Butt going out to India if we had not got this despatch.

Mr. *E. L. Coffey.*

24 Feb. 1858.

541. Did he tell you the reason why he required the money?—For arrangements, certainly.

542. Did he tell you that he wanted to insure his life for a considerable sum before leaving England?—Yes, he mentioned that.

543. And that he would require money to effect that object?—Yes.

544. Did not he tell you, then, that he was not rich enough to afford to be absent from England for a year without remuneration?—For which reason he was to get 5,000 *l.*

545. Answer my question?—He did.

546. And that he should insure his life as a provision for his family?—Yes.

547. Was not that arrangement made after the Ameer had told Mr. Vernon Smith that he would go out to India?—No, certainly not; that arrangement was talked of before.

548. Was that arrangement made for the payment of the 3,000 *l.* in cash and the 7,000 *l.* in bills?—The arrangement for that was made on its being understood that the despatch was completed, authorising what was to be executed in India, and not here.

549. Was not it after it was told to Mr. Vernon Smith that the Ameer would go out?—Yes; it was told to Mr. Vernon Smith that the Ameer would go out.

550. Was not it after that that the arrangement for the payment of the 7,000 *l.* and the 3,000 *l.* was made?—No, certainly not; it was before that.

551. When before that?—Some few days; you will see by the correspondence.

552. Was not that 7,000 *l.* and 3,000 *l.* to be paid to Mr. Butt for going to India and remaining there 12 months?—No, certainly not; distinctly not; Mr. Butt was not to remain in India 12 months.

553. Was it to be paid to him for going to India, and serving the Ameer with the Indian Government?—There was to be 5,000 *l.* to be paid to him for serving the Ameer with the Indian Government, and carrying out this despatch, which was said to have been written here, and which I was under the impression went, until I was informed to the contrary by the Court of Directors; the other 5,000 *l.* was agreed to here according to the original agreement.

554. That is the agreement that you stated in your evidence yesterday?—Yes.

555. There was nothing then said about his going to India?—It was not contemplated till after the mutiny.

556. Will you look at that letter (*handing a letter to the Witness*); is that your handwriting?—Yes.

Vide Appendix.

A letter from Mr. Coffey to Mr. Butt, dated 15th of September, 1857, was read.

557. Did you ever write to any one that you would have to repay that 2,000 *l.* if Mr. Butt did not go to India?—I fancy I wrote in my letter to my brother, that if Mr. Butt failed in his engagement with the Ameer I would have to repay that 2,000 *l.*, because the Ameer expressly stated to me that if that despatch was not sent out to India he would hold me responsible for that 2,000 *l.*

558. Where was it that you wrote that?—At Trieste.

559. Did not you write to your brother, and was not the object of that letter to your brother, and the language of it, to induce him to press upon Mr. Butt the necessity of going out to India?—Yes, to carry out that despatch, after I had got his telegraph, stating that the despatch had been sent.

560. Is there anything about the despatch in your letter to your brother that I am asking you about?—I am not conscious. I have not kept a copy of it.

561. Mr. *Roebuck.*] With regard to this despatch, which was said to have been sent by the Government of this country to India, how were you informed that there was such a despatch sent?—By a letter from my brother, which was addressed to him by Mr. Irwin, Mr. Butt's secretary.

562. Did Mr. Butt ever verbally speak to you about that despatch?—Mr. Butt frequently told me that Mr. Vernon Smith had consented to the despatch, and I was under the impression myself that he had.

563. Can you state accurately what were the supposed contents of that despatch?—The contents of that despatch were, that if the Ameer went out, and displayed excessive loyalty and alacrity, all the turban lands would be restored,

restored, in addition to which he would get a large sum of money, amounting to 45,000 *l.*, for some forts in the desert.

Mr. *E. L. Coffey.*

24 Feb. 1858.

564. Did Mr. Butt represent that the despatch so to be sent, was about to be sent in consequence of his, Mr. Butt's, proceeding in that affair?—Certainly; we were all indebted to Mr. Butt for that.

565. And you and the Ameer deemed yourselves indebted to Mr. Butt for his sending such a despatch out to India?—Decidedly.

566. That in fact Mr. Butt's getting that despatch so sent, was in fulfilment of the engagement which he had entered into with you to render a service to the Ameer in Parliament?—Yes.

567. And with the British Government and the East India Company?—Yes, in those negotiations.

568. What was the engagement entered into between you and Mr. Butt?—That Mr. Butt should carry on the negotiations and deliberations with the Board of Control and the India House, and the Government, and anything that was done in Parliament. The only steps in this negotiation were taken by Mr. Butt.

569. Did you deem that the sending out of this despatch, as stated to you by Mr. Butt, was in part performance of that agreement?—Decidedly; certainly so.

570. And did you deem that the 5,000*l.* promised by you to be paid to Mr. Butt for the performance of those duties, was earned by his so sending out the despatch?—Yes, quite so. The Ameer distinctly told me in paying this money, "Remember, if that despatch has not gone out, I hold you responsible for this money."

571. Was that your interpretation of the agreement?—Yes.

572. By whom was the despatch to be sent?—From the Board of Control.

572*. In what way?—I was under the impression that it was going by the same steamer that we were to have gone by.

573. Were you informed of the mode in which the despatch was to be sent by the Board of Control?—Sent to the Government of Bombay.

574. Were you told that it was to be sent direct from the Board of Control to the Government of Bombay?—No, because there was a great deal of deliberation between the Board of Control and the East India Company. The Board of Control were pressing the East India Company to forward that despatch, and the President of the Board of Control was to compel the Company to forward the despatch.

575. Who told you that?—Mr. Butt.

576. Mr. Butt then told you, that the despatch to be sent was to be sent by the Board of Control, and that the President of the Board of Control would compel the Directors to send that despatch?—Yes, that the President of the Board of Control had compelled the Directors to forward the despatch.

577. Am I to understand that the despatch was sent?—It was done.

578. You were asked about your brothers; I am going to another matter; your brother David, I think, is a solicitor?—Yes.

579. And your brother James a barrister?—Yes.

580. Was your brother David the solicitor to the Ameer?—At first, until he handed over the Ameer's case to Messrs. Hunt.

581. When was that?—Very shortly after the Ameer's arrival; perhaps two months.

582. Has your brother David received any money from the Ameer?—Not one shilling.

583. Has he a bill of costs against him?—He has.

584. Has that bill been sent in?—Not yet; it was forwarded by me to India, and the Ameer has returned it back to my brother.

585. Had your brother acted for the Ameer when the Ameer was in India?—All through; he acted in connexion with him as confidential adviser. Every paper and thing that was submitted to a solicitor, my brother was conscious and aware of.

586. Am I to understand that the Ameer had an attorney here in England before he came?—My brother.

587. Do you recollect when he first became the Ameer's solicitor?—In 1855.

588. And before the Ameer left India your brother had sent to you a bill of costs?—No, after I had started from here on the 22d of August, my brother

Mr. *E. L. Coffey*

24 Feb. 1858.

forwarded his bill of costs to me to recover at Khyarpore from the Ameer in India.

589. Now let me understand; when you went to Trieste, you say your brother sent to you a bill of charges upon the Ameer to India?—No, not at Trieste; he sent it from Dublin.

590. When you went to Trieste, your brother sent you this bill to India, upon the supposition, I suppose, that you were going to India?—Yes, exactly so.

591. Have you ever had that bill?—It has been returned to me.

592. From India?—Yes.

593. Have you sent it back to your brother?—Yes.

594. So that your brother has received no money at all upon that bill?—No money whatever.

595. Was your brother James at all employed professionally for the Ameer? Yes.

596. By whom?—By myself, at the Ameer's request.

597. Then do you mean to say that you employed your brother without the intermediary of an attorney?—Through my brother David; I gave my brother David authority.

598. And your brother David retained your brother?—Yes.

599. What duty did your brother perform in the character of legal adviser to the Ameer?—All the preliminary steps.

600. What preliminary steps?—In the preparing of this first petition to Parliament, reading over his case, advising with me in 1855, when I was at home by myself, what to say to the Ameer; and he had a great deal of work, a great deal of correspondence at that time about it, advising the steps that were taken; and it was my brother's advice that brought the Ameer over here, and up to the time of the Ameer's departure my brother James had been acting as his confidential counsel. Every single step that was taken by the Ameer, my brother James was aware of.

601. Do the fees of your brother James appear in the bill of costs of your brother David?—Yes.

602. And they form part of that bill of costs?—Yes.

603. Have you seen that bill of costs?—I saw it, but did not read it.

604. You cannot state to the Committee what is not there?—No, nor what is there.

605. Did you ever give your brother David any authority to retain Mr. Butt?—No.

606. Do you know whether your brother David ever has retained Mr. Butt?—The only authority that I can ever recollect is the fee of 20 *l.* that I sent him over to attend the consultation here with Sir FitzRoy Kelly.

607. Did you send that fee directly from yourself to Mr. Butt, or to your brother David?—I sent it to my brother David.

608. Is that the only time you recollect that a retainer was sent by your brother to Mr. Butt to act for the Ameer?—The only time.

609. Was there any understanding in that agreement that you made with Mr. Butt that he was to act professionally?—He never has acted professionally.

610. The first 5,000 *l.*, I understand you to say, was for services to be rendered in Parliament with the Government and with the East India Company?—Yes.

611. Did Mr. Butt give you to understand that that was professionally?—Mr. Butt always gave me to understand that we did not require lawyers at all in the matter; that it was Members of Parliament that were required. Mr. Butt always was annoyed at me having these consultations at Sir FitzRoy Kelly's.

612. How did he express that annoyance?—He said that they did not understand the usages of Parliament, and tended to make squabbles about presenting Bills; and lawyers drawing Bills to be presented to Parliament, moving votes of precedence, and all that sort of thing, was quite useless; what we wanted was a number of Members of Parliament to meet who knew the usages of the House.

613. You were asked by Mr. Serjeant Deasy what sums you expended for the Ameer. Amongst those sums, were any sums expended in paying Mr. Butt?—Twenty pounds.

614. That

614. That is all?—That is all.

615. Is that all the money that has passed between you and Mr. Butt?—There have been several other transactions between Mr. Butt and myself.

616. Not on behalf of the Ameer?—No.

617. Have you ever paid Mr. Butt's expenses from Ireland here?—That 20 *l.* is the one I allude to.

618. On no other occasion?—On no other occasion that I can recollect.

619. Did Mr. Butt ever represent to you that he was authorised to speak on behalf of Mr. Vernon Smith, as the President of the Board of Control, respecting the affairs of the Ameer?—We knew that he was in close, continued, almost daily communication with Mr. Vernon Smith.

620. Did he represent to you that he was speaking the opinions of Mr. Vernon Smith?—Yes, about the despatch distinctly.

621. Did he, amongst other things, say to you that Mr. Vernon Smith stated, that it was desirable that the Ameer should go immediately to India?—Yes.

622. When was that?—In the month of August.

623. Did he state that in the presence of Mr. Vernon Smith?—Mr. Vernon Smith stated it himself.

624. In whose presence was that stated?—In the interview I mentioned that took place at the Board of Control, in the presence of Mr. Vernon Smith, Sir George Clerk, and His Highness the Ameer, Mr. Butt, and myself.

625. Did you hear Mr. Vernon Smith say that?—Yes.

626. In what character did Mr. Butt appear at that conference?—He introduced us.

627. He, as a Member of Parliament, introduced you?—He introduced us at the Board of Control.

628. In what character did Mr. Butt appear as your introducer; did you make application to Mr. Butt to introduce you to procure this interview?—Yes, at the Ameer's request.

629. Mr. *Bright.*] Was there any other person in the room than those you have named?—Sir George Clerk, Mr. Vernon Smith, the Ameer, Mr. Butt, and myself. No.

630. No other Member of the House of Commons was there?—No.

631. Mr. *Roebuck.*] Have you ever formed part of a deputation introduced by a Member of the House before?—No.

632. You do not know the form which is usually observed on such occasions?—No.

633. You have been asked about Mrs. Parr; is she an old acquaintance of your family?—Yes.

634. Who is Mrs. Parr?—Mrs. Parr is a lady who lived in Ireland, and was acquainted with my family in Ireland; almost a connexion of the family.

635. I think Mrs. Parr has the misfortune to have a lunatic husband?—Yes.

636. And she now gets her own livelihood?—Supporting her husband and her children.

637. What took her to Paris?—She went for the purpose of placing her children in a Catholic college.

638. Was there any arrangement on the part of the Ameer for their meeting at Paris?—Yes; several things the Ameer required in Paris, which ladies were only judges of; and as the Ameer was in the habit of visiting Mrs. Parr here and seeing her, and she mentioned the subject of her going to Vienna with her child, he said he would be most happy to meet her on the road, and that her son, who spoke all those continental languages, would be extremely useful; she could assist him very much in making purchases in Paris; if it would be convenient to her, he would feel obliged if she would join our party; it was on that invitation that she joined our party.

639. What was she to do in Paris?—To purchase some silks for the Ameer.

640. Did she do so?—She did to a considerable amount.

641. You travelled on to Vienna?—Yes; she wished to remain at Dresden; but she could not find a college there, and moved on then to Vienna.

642. When at Vienna, it was in her room, you say, that this interview took place at which Mr. Elliott was present?—In her drawing-room.

643. Who was present besides Mr. Elliott?—As well as I recollect, the Countess of Gratziana, the chamberlain of the King of Sweden, Mrs. Parr, and myself.

Mr. E. L. Coffey.

24 Feb. 1858.

644. At that interview, had Mrs. Parr any conversation with Mr. Elliott?—Unquestionably. When Mr. Elliott came into the room, as soon as he handed me his card, I at once gave it to Mrs. Parr, as the lady in whose room we were; and Mr. Elliott then addressed his conversation principally to her.

645. Did you introduce Mrs. Parr?—No, certainly not; he came to Mrs. Parr's own room.

646. Did you introduce Mr. Elliott to Mrs. Parr?—I had no authority; I was a visitor, as well as Mr. Elliott.

647. So that no names were mentioned?—Certainly not; the card was handed in without any announcement, or anything, and following the card came Mr. Elliott.

648. When you left Vienna, you left Mrs. Parr there?—Yes.

649. How long did you stop there?—Two or three days: I am not quite satisfied of that. I should say three days.

650. She went to Venice?—She went to Trieste, which is on the route to Venice.

651. She passed you?—Yes.

652. During the journey had she any interview with you?—Yes, with me.

653. I mean, from Vienna to Venice?—She met me at Trieste.

654. I understand you to say, she went to Venice?—Yes, through Trieste.

655. She saw you at Trieste?—Yes.

656. I think you only saw Mr. Elliott once?—Only once.

657. You never saw Sir Hamilton Seymour?—Never in my life.

658. The only other person connected with the Embassy that you saw, was this gentleman in his shirt sleeves?—Yes.

659. You did not know his name then?—I did not know his name until after Mrs. Parr had returned from Vienna.

660. How long might your interview be with this gentleman in his shirt sleeves?—Certainly not five minutes.

661. How long with Mr. Elliott?—A very short time; perhaps about the same.

662. At Mrs. Parr's drawing-room?—Yes, perhaps about the same; a very short time.

663. You said that there was some agreement, that Mr. Butt was to receive 3,000 *l.*, and 7,000 *l.* in India?—Yes.

664. Was he to receive the 3,000 *l.* down in money?—Down in money here.

665. And the 7,000 *l.* how?—In India by bills; and the Ameer then stated to me, "I will not give the 3,000 *l.* now, because I have not seen the despatch; I will give 2,000 *l.* on the account of the despatch, which you tell me he has written: if that despatch is not written, and does not come out, I will deduct that from you." And that 2,000 *l.*, you observe, is about the balance that was due to me on my agreement with the Ameer; and that was the reason why he refused to give the 3,000 *l.* entirely.

666. Mr. *Bright.*] Have you anything from the Ameer to show that that is the fact?—No.

667. Have you any statement from him that he refused to pay you the 2,000 *l.* on such a condition?—No; the Ameer, up to this moment, is under the impression that this despatch has gone.

668. He, as I understand you to say, does not propose to fulfil his engagement with you, and to pay you that 2,000 *l.*?—I fancy that he will; I am in hopes that he will, if this matter is all arranged.

669. I want to know whether the reason you have not received your 2,000 *l.* in fulfilment of your own engagement with him, is that he paid to Mr. Butt 2,000 *l.* for a despatch which never was sent; and, therefore, he means you to repay the money; is that what you mean to say?—No; the reason I left the Ameer without having my claim satisfied in Trieste, was that Mr. Butt represented to him that if I remained with him he would never get his money nor his lands; and that his agreement that was written there was cancelled by my want of fidelity at that time; and even now, as I before stated, the Ameer is under the impression that the despatch had gone.

670. *Chairman.*] When was the petition of Ali Moorad presented by Mr. Butt to the House of Commons in 1856?—I think the latter end of June, very shortly after we arrived in London.

671. Had you had any conversation whatever with Mr. Butt about money before

before the presentation of that petition in 1856?—Not until after the presentation of the petition.

672. What steps were taken by Mr. Butt in Parliament in 1856, except the presentation of the petition?—After the presentation of the petition there were then papers moved for in the House of Commons by Mr. Butt.

673. Do you know the date of those motions?—I should say about a month after the petition.

674. Was there more than one motion made?—I think there was one which was rejected or something; upon another motion he got the papers; they were produced.

675. Do you remember the dates of those motions?—Very shortly after the presentation of the petition.

676. It appears from the records of the House, that there was a notice given on the 4th of July in these terms: "Mr. Butt—On motion for going into Committee on the India Budget, to call attention to the petition of his Highness Meer Ali Moorad (presented 27th June), and to submit a motion on the subject of the confiscation of his revenues and territories by the Indian Government;" and it also appears that a motion was made for papers on the 24th of July; if I give you those two dates, do they agree with your recollection?—Yes; I think I mentioned to you, about a month after the presentation of the petition.

677. With those exceptions, the presentation of the petition, the notice on the 4th of July, and the motion made on the 24th of July, did Mr. Butt take any proceedings whatever in Parliament with respect to Ali Moorad's case?—I am not quite sure; I do not think he did.

678. You think not?—I think not.

679. In the course of the year 1857, did Mr. Butt take any step whatever in Parliament with regard to Ali Moorad's case?—He did with the Board of Control certainly.

680. In the House of Commons?—No; after the presentation of the petition, I think the papers were granted by Mr. Vernon Smith without a division; they were almost amicably granted by Mr. Vernon Smith; he did not oppose the motion or something; and from that Mr. Butt got into negotiation with Mr. Vernon Smith; and it was then, when Mr. Vernon Smith got into this negotiation with Mr. Butt, that we suggested a compromise; that Mr. Butt would arrange the business by compromise.

681. Then the last step taken in Parliament by Mr. Butt, with respect to Ali Moorad's affairs, was on the 24th of July 1856?—Yes.

682. There was nothing subsequently in Parliament?—I do not think there was.

683. And the first step, the presentation of the petition in June, was previous to any conversation whatever about money with Mr. Butt?—The conversation about money was between the presentation of this petition and moving for those papers.

684. Will you state again, to the best of your recollection exactly, what was that conversation with Mr. Butt, between the presentation of the petition in June, and the motion for papers in July in which money was mentioned?—As far as I remember, Mr. Butt stated his circumstances to me; that he was poor, and that he could not spend his time backwards and forwards here; and that it would be an immense labour and an immense responsibility carrying on this case through Parliament with the Government, and that unless we were prepared to meet him with assistance he could not do it; he could not attend to it; on which I represented the case to the Ameer, and then the Ameer authorised me to tell Mr. Butt that he would give him 5,000 *l.* in the event of his claims all being settled here.

685. That conversation with respect to money, extended to negotiations with the Government, did it not?—Yes.

686. Had it any reference to further proceedings in Parliament in express terms?—No, not in express terms; but then we thought we would be going on; we thought we would fight it in Parliament; because, until Mr. Vernon Smith consented to give those papers amicably, we thought we would have gone through with it in Parliament.

687. The conversation, in express terms, referred to communication with the Government and not to further proceedings in Parliament. Am I to understand

Mr. *E. L. Coffey.*

24 Feb. 1858.

stand that?—You are to understand the negotiations commenced after the calling for the papers; it was only then we were in a position to negotiate.

688. Did that negotiation between you and Mr. Butt, which ended in the promise of money, refer, in express terms, to communications with the Government, or was Parliament mentioned?—Yes, Parliament was.

689. As well as the Government?—Yes, he brought on the motion in Parliament a few days after.

690. Who began the conversation about pressing on the business; did Mr. Butt begin the conversation with you, or did you introduce the subject of money to him?—Mr. Butt introduced it; he mentioned to me that he was not in a position to come here and carry on this business. Mr. Butt did certainly. I would not have taken the liberty of mentioning it to Mr. Butt. I did not know him sufficiently.

691. Are you quite sure that this conversation preceded the motion for papers in July?—Yes, positive.

692. What fixes that date in your recollection?—Because the Ameer was so proud of his first petition having gone in in such a short time that he had unbounded confidence in Mr. Butt, and he told me so.

693. But the petition was only presented; no motion was made upon it?—It was read in the House of Commons in June, 10 days after we came.

694. Was the Ameer and were you satisfied with the presentation of the petition?—Very much satisfied and pleased with it; certainly we were.

695. Did the Ameer think that the presentation of the petition was worth 5,000 *l.*?—No, certainly not; it was after the presentation of the petition he said that Mr. Butt would carry it through; he was so pleased with the promptitude with which it was done.

696. The presentation of the petition?—Yes.

697. Did the petition, being presented and being received by the House, satisfy you of the great influence of Mr. Butt?—It satisfied me that Mr. Butt would carry it on quickly, and have no delays. The delays were the things that I dreaded and feared.

698. You have not yet told me what fixes the date in your memory that the conversation in question was before the 24th of July?—Because, shortly after the presentation of the petition, when the Ameer was so well pleased with it and everything else, I mentioned the circumstance to him.

699. To the Ameer?—Yes; and then said that we would have some more papers to move for to support this petition; and the expression I made use of to the Ameer was, "Now you see how quick your petition has gone on. If you want to get these other things done, you had better inform me what I am to say to Mr. Butt."

700. Colonel *Wilson Patten.*] What were those other things?—The papers that he had been denied in India.

701. Mr. *Bouverie.*] I want to know a little more accurately what passed between you and Mr. Butt upon this occasion. Did Mr. Butt, without introducing the subject, at once say this: He was not a very rich man, and to do justice to the Ameer's case the Ameer must be prepared to assist him in his expenses; or how did the conversation originate?—About the way you have mentioned, certainly; but it was a conversation that has been repeated and urged between Mr. Butt and myself from that time up to almost the time the Ameer departed; in fact, to the very day of his departure.

702. *Chairman.*] Do I rightly understand you that there were no steps taken in Parliament by Mr. Butt in this affair of Ali Moorad Khan in the year 1857?—I do not remember that there were.

703. You are not aware of any?—I think that there was another; a second call for papers or something in 1857. I think we did not get all the papers at first, and that we had a second call for them.

704. In the subsequent Session; in 1857?—Yes; I do not speak positively, but I think so.

705. Mr. *Roebuck.*] Was there any representation made to you by Mr. Butt, that he would move for papers in 1857?—Oh yes.

706. Mr. *Bouverie.*] I want to know, if you can recollect a little more accurately than you appear yet to have done, what were the exact words that Mr. Butt said to you, or as nearly as you can recollect them. You stated in your evidence

evidence in chief that Mr. Butt told you "that he was not a very rich man, and that to do justice to the Ameer's case, to carry on the extensive business that would be connected with it at the Board of Control, at the India House, and in Parliament, he would have to attend a great deal in London at an enormous expense, and unless the Ameer was prepared to assist him in his expenses that he could not undertake it." Are you prepared to say that those are the words, or anything like the exact words, that Mr. Butt used?—As near as possible; and if the Ameer recovered all this property and everything else, he ought to behave very handsomely to him.

707. Colonel *Wilson Patten.*] Were any negotiations going on at that time on behalf of the Ameer, between Mr. Butt and the East India Company, or any department of the Government?—From the presentation of the petition, negotiations had been going on up to the time of his departure.

708. Mr. *Stanley Herbert.*] Before the papers were moved for?—No.

709. Mr. Serjeant *Kinglake.*] I understand you that there was no money, in point of fact, paid to Mr. Butt between the time of the agreement, which was some time in 1856, until the 12th of August 1857?—No; none from the Ameer.

710. Did he ever apply to you for any?—He has borrowed a good deal from me.

711. You say this agreement was made, as I understand, some time in July 1856, but in point of fact, no money was paid him until the 12th of August 1857; did he apply to you at all for any money due to him upon that agreement between those periods?—No; because it was expressly stipulated and stated, that until the Ameer got this property, that money would not be paid.

712. When you came to England in 1856, I understand the first person you were put in communication with was your brother David?—Yes.

713. How soon after was it that you saw your brother James, who is a barrister?—Some six or seven days after, perhaps.

714. Did he come from Ireland for the purpose of seeing you?—And advising on this petition.

715. Did you request him to be sent for?—Yes.

716. Did he come here in the capacity of counsel, through the agency of your brother, to advise upon that petition?—Yes.

717. Was the petition prepared under his advice?—Mr. Butt and himself prepared the petition.

718. Was Mr. Butt called in to advise on that petition before it was presented?—They both sat up and advised on it.

719. Was it through the recommendation of your brother David (I think you said so before), that Mr. Butt was sent for?—My brother David introduced me to Mr. Butt.

720. Where did you first see Mr. Butt?—At Cleveland-row.

721. Was your brother James there at the time?—I do not think he was at first.

722. Were you aware that any papers were going to be moved for in the House of Commons after the presentation of the petition?—Yes.

723. Who had mentioned to you that papers were going to be moved for?—We got a list of them.

724. I am asking about moving for them in the House; had you been apprised that any Member of Parliament, Mr. Butt or any one else, would move for them?—Yes.

725. Mr. Butt told you so himself?—Yes.

726. Surely that being so, you can tell how many days before you understood that these papers were to be moved for, you had any conversation with Mr. Butt with regard to payment?—I really cannot; but I should say seven or eight; six or seven or eight, or nine or ten days.

727. Why do you say seven or eight days?—Because I say we had so many conversations upon the subject.

728. Why do you say seven or eight days; it may be more or less?—My reason for saying seven or eight days is, that I had to communicate with the Ameer.

729. How do you know that it was not after the papers were moved for?—I know positively.

730. Why?—Because I mentioned to the Ameer that papers were to be called for.

731. How can you fix this conversation with Mr. Butt, about the arrangement

Mr. *E. L. Coffey.*

24 Feb. 1858.

for money, by any fact that it was before the moving for the papers; might it not have been after?—Because I mentioned to the Ameer, when I was telling him of this arrangement contemplated, that papers would require to be moved for.

732. When you mentioned to him about the 5,000 *l.*?—Yes; and he had better put me in a position to press for those papers.

733. That you recollect?—Yes.

734. You say that this conversation took place between you and Mr. Butt, with reference to the money arrangement, if I understand you, over and over again. You were asked this question, "Every time you met he spoke of this matter of remuneration?" Your answer was, "Yes, it was a mutual subject of conversation.". Will you endeavour not to give us your impression, but give us the conversation itself as near as you can—let us hear the words which Mr. Butt spoke, and the reply which you gave to him?—It was frequently a subject of conversation.

735. I am not asking you that; I am asking you to give, as nearly as possible, the words spoken by Mr. Butt, and the answer given by you, just as if it were happening now; go back to the time when you were going down Cannon Row, and endeavour to describe the conversation, not in the exact words, but as nearly as possible as it happened?—Would there be any doubt of the Ameer not performing his promise; Mr. Butt pointedly asked me that question.

736. I am asking the first time?—This was after I conveyed to Mr. Butt what the Ameer's intentions were.

737. I am not asking you as to the conversations after you had spoken to the Ameer, but I am asking you as to the first conversation between you and Mr. Butt, when Mr. Butt communicated in any way to you that money was a matter of importance to him. Give us that conversation; how did it begin?—The first conversation was, of course, before I proceeded to the Ameer; Mr. Butt said, "Now, you know, I am not a very rich man; you know I cannot afford to spend my time here in carrying on this case, which is one of great magnitude and of great importance. If the Ameer makes it worth my while I will go heart and soul into the case, and throw all my weight into it, and I will carry it through for him." And then I said, "Of course, anything that you require, if you only succeed in getting the restoration of these territories for his Highness, his Highness will gladly repay you; anything that you require his Highness will give you." He did not mention any specific sum, but I went to the Ameer.

738. Before you went to the Ameer, was that the conversation that took place?—Yes, as near as possible.

738.* Is that which you have now repeated, the substance of the conversation, to the best of your recollection?—Yes, I have just to carry it through.

739. You broke off; you said you communicated to the Ameer, and that no sum was mentioned; have you now given the substance of the conversation?—Yes.

740. Was the conversation that you had with him repeatedly afterwards to the same effect?—That was according to the stage of the business. The subsequent conversations were always with reference to the stage in which the business was then.

741. If I understand you, the conversation was that this business was to be carried on; that it was of importance to the Ameer, and he wished it to be carried on, I suppose, as soon as possible?—Yes.

742. And with diligence?—Yes; the first opinion was given; I wish you to remember there was no appeal at law for the Ameer.

743. There is an answer which you gave the other day, which I do not quite understand; it was with regard to Mr. Butt's name being put in the cheque for 300 *l.*; the Ameer said, "You have not put in Mr. Butt's name;" I said, "No, I did not think it right; if I was giving a cheque myself of the same amount to him, I would not fill his name in;" why would not you fill his name in; what would have been your objection to have filled his name in, if you had been giving that cheque?—Because Mr. Butt would not wish it.

744. The Ameer says, "You have not put in Mr. Butt's name;" your reply is, "No, I did not think it right: if I was giving a cheque myself, of the same amount, to him, I would not fill his name in;" I ask you, why should you have given that answer to the Ameer; why you should not have put Mr. Butt's name in?—Because Mr. Butt would not wish it, as I knew perfectly well.

745. Had

745. Had you communicated with Mr. Butt upon the subject before, whether his name was to be put in the cheque?—If the cheque was given; Mr. Butt was perfectly well aware that the Ameer was in the habit of drawing those cheques.

745*. I am asking your reason; it is your answer to the Ameer that you would not have put his name; can you give any reason why you should make that reply to the Ameer, that you would not put Mr. Butt's name in the cheque?—On account of the transaction, certainly not.

746. Why?—Because in negotiating this business with the Board of Control, anything coming from the Ameer to Mr. Butt would not bear a good complexion.

747. Was that your impression at the time?—Certainly, it was my impression at the time.

748. Were you a party to a matter at that time which you did not think, upon investigation, would bear a good complexion?—I acted on the part of the Ameer as his servant.

749. Were you at that time under the impression that it was a transaction, to use your own term, which was not of a fair complexion?—I am aware that in India, or any other place, people have a great objection to receive in their own name money from these native chiefs.

750. Did you think that it would ever be known in India that Mr. Butt's name was on this cheque; was that your reason?—Here.

751. Is that your reason, that you thought it was a transaction with regard to which you ought to exercise some caution; is that it?—Yes.

752. You did not approve of it?—Certainly; Mr. Butt was always most cautious in mentioning those circumstances to me; to mention it when there was no one present.

753. If I understand you, no one was ever present at any conversation upon this subject between you and him?—No one was ever present.

754. Here is the Ameer's statement with regard to your proceeding with him, "I had by this time been far on my way, but each day he makes excuses and pretences regarding my going." Do I rightly understand you to deny that the Ameer has stated that which is correct?—The Ameer could not understand the difficulty of getting this money from the bank; but I have got all the telegrams here.

755. Can you explain in any way how that mistake arose with reference to the telegram at Vienna?—Yes, that is my principal object in this inquiry.

756. Can you throw any light upon the subject?—Certainly I can.

757. In what way?—By saying distinctly that I never made use of the words that are used there.

758. You can throw no light upon it except by denying the fact that you ever used the words?—Yes; but I have evidence to prove ——

759. That the letter which we have heard read from Mr. Elliot is not a correct version of the conversation between you and him?—Certainly not.

760. Or anything approaching to it?—Or anything approaching to it.

761. No conversation passed between you and Mr. Elliot?—Which could be tortured into that; decidedly not.

762. You state that the explanation of that telegram is the principal object of this inquiry; do you mean that you have presented this petition for the purpose of clearing up that matter about this disputed telegram, and that that is the object of this petition?—No, I do not mean to say that that is the object of this petition, because in my letter to Mr. Vernon Smith I expressly stated on what this petition is founded. The object of this petition is to clear an aspersion from me of having received 2,300 *l.*, which was said to the Board of Control.

763. Mr. *Bright.*] With regard to the answer that you gave yesterday to question No. 30, you stated that Mr Butt had first talked to you about money being required to assist him in his expenses, on which you went to the Ameer, and you mentioned the state of the case to him, and the Ameer said you might tell Mr. Butt that he would give him 5,000 *l.* Then afterwards you were asked, where was it that Mr. Butt said that the Ameer's answer was "Very good," and you replied, "that was at his own house after I returned." Did all that take place on one day; from the words were it would appear so?—Yes, I should say so.

Mr. *E. L. Coffey.*

24 Feb. 1858.

764. Having obtained the Ameer's consent to pay Mr. Butt this large sum of money?—Not to pay him, but to promise him.

765. How did it happen that so many future conversations took place upon the same subject, the matter having been arranged?—Because there was always a doubt whether the Ameer would keep his promise, and I always impressed Mr. Butt with the idea that he would, inasmuch as I never asked him myself for anything; I confided entirely in him.

766. Do you keep a note book or a diary in which you record anything that transpires?—I never did in my life.

767. You are not positive as to the exact day when this first conversation took place with Mr. Butt; and when you went from him to the Ameer, and returned Mr. Butt the Ameer's answer, there is nothing by which you can fix the precise day?—Nothing, except mentioning the circumstance of the presentation of the petition to the Ameer.

768. Is there anything by which you can fix the precise week?—No, only the time when those transactions were taking place. I never fancied that I would have to deal with such a matter as this.

769. *Chairman.*] You remain positive that the first conversation about money took place between the presentation of the petition, at the end of June, and the motion for papers, towards the end of July?—Yes.

770. There was that one conversation in Cannon-row?—I should say that we walked from Cleveland-row to Cannon-row.

771. During that time you had that conversation between the presentation of the petition and the motion for papers?—Yes.

772. In that conversation, in which the business to be performed by Mr. Butt was specified, were not the applications to the Board of Control and the India House set forth as a very principal part of the business to be done by Mr. Butt?—No, not then; because we had no idea of making application to the Board of Control or the India House. It was only after the application for these papers that the negotiations commenced with Mr. Vernon Smith. I was under the impression that we would have gone on and fought it right through in Parliament after the presentation of that petition.

773. Your recollection is that the conversation in question to which I refer, between the presentation of the petition in June and the motion for papers in July, was confined to proceedings in Parliament?—Certainly; we had no idea of a negotiation then.

774. You made this statement yesterday, "Mr. Butt told me," in the conversation in question, "that he was not a very rich man, and that to do justice to the Ameer's case, to carry on the extensive business that would be connected with it at the Board of Control, at the India House, and in Parliament, he would have to attend a great deal in London;" how do you reconcile those two statements, the one just made, and the answer that you gave yesterday?—Very easily. In the first place, when the Ameer came over here, the Court of Directors declined to receive him, and declined to acknowledge him, and the Board of Control also declined to receive him and declined to acknowledge him. The preliminary step to getting all these proceedings carried out, was to get him acknowledged here by either the Board of Directors or the Board of Control. He failed in being acknowledged by the Board of Directors, but succeeded with the Board of Control.

775. To which statement do you adhere as to the conversation in question; that the subject was Parliament only, or that the subject was extended, not to Parliament only, but to the transaction of business with the Board of Control and the Court of Directors?—In making that statement, when I say the Court of Directors and the Board of Control at that time, I do not mean to say that we intended negotiation; we only intended a presentation for the Ameer at those places.

776. Mr. *Wilson Patten.*] What time elapsed between this conversation and the time when the first money passed between you and Mr. Butt?—The first money that the Ameer paid Mr. Butt was on the 11th of August 1857, when the things were wound up; when it was finally agreed by the Board of Control that we should have everything that we asked for.

777. That 300 *l.* which you have mentioned was the first money that passed, on the 11th of August 1857, the promise being made when this conversation took place, in which Mr. Butt stated to you that he was a poor man?—That conversation was the year before.

778. That

778. That was July 1856; but the first money that passed was in August 1857?—Yes. *Mr. E. L. Coffey.*

779. Mr. Serjeant *Kinglake.*] Can you tell me when it was that Mr. Vernon Smith himself advised the Ameer to go out to India as soon as possible?—That was about August 1857. 24 Feb. 1858.

780. *Chairman.*] I am requested to ask you this question: have you ever stated to any one that the original agreement, in June or July 1856, between you and Mr. Butt was to this effect: "That Mr. Butt, if he succeeded in gaining for Ali Moorad Khan the return of his property, should receive 5,000 *l.*, and if he were required to go to India, to see to the interests of Ali Moorad Khan, he should receive 5,000 *l.* more, making altogether 10,000 *l.*, provided Mr. Butt was required to go to India"?—Not in July 1856, because we had no intention of going to India; we wished everything to be wound up here.

Henry Thoby Prinsep, Esq., called in; and Examined.

781. *Chairman.*] WILL you have the kindness to take this document, which is in Persian, and read it, translating it literally, word for word?—"This settlement stands and the Sahib Bahadoor" (that is the person to whom it is addressed) "according to his own agreement, will perform truly the service of my vakeel or agent. The cause of this writing is this—At this time a person of high rank and exalted dignity, Mr. Coffey (Bahadoor) in the list of my servants for three years from the beginning of the date of the 1st of April 1856, to the 30th (instead of the 31st) of March 1859, is appointed, and 1,000 monthly for all the three years, altogether the sum of 30,000 rupees of the Sicca of the Company," (meaning Company's rupees) "the half of which is 15,000, has been fixed and allowed. By the favour of God (or God willing) the said Sahib, for the said period, shall be retained in my service, and the allowances above specified shall be paid to him; and before the completion of of the said period also, whatever amount shall be required by the said Sahib, he shall receive on asking; and from the allowed 30,000 the same shall be deducted" (or carried to credit, it means). "The said Sahib has agreed to this, that after the said date, being the faithful servant of the writer of this document, he shall not meddle with the service of any other person. The writer will place the business and agency for requiring justice from the exalted Government of the English Company in the power of this gentleman. In this arrangement there is no difference, nor shall there be. Written the 18th of the second month of Jumadi al akhir 1272, hegira," (which corresponds with the 25th of February 1856). The seal of Ali Moorad is attached to it. The signature of a nobleman is generally merely the last letter, which you will observe in this document, is in a different hand from the other. They generally write the last letter or the last word. There is no signature therefore. He puts his seal, and he writes one word somewhere in the letter, generally at the end. *H. T. Prinsep*, Esq.

[*The following paper was read by the Chairman:*]

"According to the Persian agreement entered into with his Highness Meer Ali Moorad Khan, of Khyarpore, for the sum of sicca rupees 30,000, to act as his Highness's secretary for a period of three years, commencing from the 1st of April 1856, and ending the 31st of March 1859; I also bind myself to resign my present appointment immediately, and not to take any other appointment during the three years that I have agreed to be his Highness's secretary. I also bind myself to use all diligence and expedition in transacting his Highness's affairs, and be ready to proceed to England on the 1st of April 1856. I am to receive from his Highness sicca rupees 10,000 on leaving India, on or before the 17th day of April next, and the remainder in moieties in England."

782. *Chairman.*] Will you have the goodness also to translate the Persian which is contained in that letter (*handing a paper to the Witness*)?—This is a letter addressed to Mr. Butt:—"To Mr. Butt: Compliments: Let him know that Mr. Coffey has detained me uselessly in this strange country for 15 days, otherwise by this time I should have arrived at Bombay; but every day he makes excuses and pretences about going. What more need I write. Hitherto one piece of information he has not given; and to-day, of a sudden, he informs me that Mr. Butt has arrived at Vienna. At hearing of this, I was exceedingly pleased. Be kind, and speedily release me from these troubles, which are like imprisonment. What can I write more; and suffering this kind of troubles in a strange

H. T. Prinsep, Esq.
24 Feb. 1858.

a strange land, and the detention uselessly is not the part of true friends. Pray make haste." Written at the top there is this; it is in the third person. He sends salaams, or compliments, to Mr. Irwin.

783. Mr. Serjeant *Deasy.*] Are you acquainted with this Mahommedan festival of the Mohurrun?—Yes.

784. Can you tell us at what time of the year it comes?—It is the first month of the Mahommedan year; but the Mahommedan year is a lunar year, and therefore it varies.

785. Can you tell the Committee at what period it came in 1857?—I can send you an almanack, which will give every month of the year.

786. Mr. *Roebuck.*] Do you recollect when the Mahommedan Mohurrun arrived last year? - You will find it in the evidence with respect to the sepoy mutinies; I apprehend that it was about August or September; I cannot say more; I can send an almanack, which will give it.

787. Will you allow me to ask you whether the Mahommedans have a difficulty in eating animals killed by others, not of their own creed?—The Mahommedans of India have.

788. In fact, they retain a good many of the prejudices of the Hindoos?—A great many; the servants especially.

789. Mr. Serjeant *Deasy.*] Does that apply to the Mahommedans of Scinde?—I know nothing particularly of the Mahommedans of Scinde, never having been in that country.

Jovis, 25° die Februarii, 1858.

MEMBERS PRESENT.

Mr. Bouverie.	Mr. Serjeant Kinglake.
Mr. Bright.	Colonel Wilson Patten.
General Codrington.	
Sir James Graham.	Mr. Serjeant Deasy.
Mr. Sidney Herbert.	Mr. Roebuck.

THE RIGHT HON. SIR J. R. G. GRAHAM, BART., IN THE CHAIR.

Mr. *Owen Thomas Williams*, called in; and Examined.

Mr. *O. T. Williams.*
25 Feb. 1858.

790. Mr. *Roebuck.*] YOU are a Clerk in Messrs. Glyn and Mills' bank?—Yes.

791. Do you recollect, on the 22d of August 1857, any money being paid in to the account of Mr. Isaac Butt?—I do.

792. Was it paid in to you?—To me.

793. By whom?—By Mr. Butt.

794. In what shape was this money paid in?—Bank notes.

795. To what amount?—£. 1,600.

796. Can you give the numbers of those notes?—I can: 36,226 for 1,000 *l.*; 82,171 for 500 *l.*; and 64,061 for 100 *l.*

797. That money was paid in personally by Mr. Butt?—Yes, to myself. Mr. Glyn was in the room at the time it came from Mr. Butt.

Mrs. *Elizabeth Parr*, called in; and Examined.

Mrs. *E. Parr.*

798. Mr. *Roebuck.*] YOU are married, I think?—Yes.

799. Where is your husband now; he is in Hanwell asylum, is he not?—I believe his body is. I do not know whether he is living. I had a letter to summon me to his death bed. I was afraid that insinuations might be made, that if I went it was to avoid being examined, and I did not go. There is the letter from the doctor of the asylum (*handing in a paper*).

The letter was read.

800. I think

800. I think you know the brother of the petitioner, Mr. David Coffey?—Yes.

801. How long have you known him?—I think about 18 or 20 years; about 18 years.

802. Did he introduce you to Mr. Edward Coffey, the petitioner?—No; Mr. Coffey's cousin, Sir Edward Butler, the brother of Lord Dunboyne, introduced Mr. Edward Coffey to me on his return from India, I think in July or August 1856.

803. And did Mr. Edward Coffey introduce you to his Highness Ali Moorad Khan?—He brought his Highness Ali Moorad to my house repeatedly.

804. Was Ali Moorad in the habit of coming to your house?—Yes, continually, when passing, if he had anything particular to do; and he and his son, Vizier Mahomet, were accustomed to come, and they have employed me, giving me various commissions at different times.

805. Where do you live?—Bond-street.

806. You live in Bond-street, I suppose, for the purpose of carrying on business there?—Yes.

807. What is that?—Trafficking in opera-boxes, such as Mitchell's and Hookham, and those people in my neighbourhood.

808. Was it in the transaction of business with you that Ali Moorad waited on you?—I do not know; I cannot exactly say. Mr. Coffey, in the first instance, ordered boxes, and gave me commissions to execute for Meer Ali Moorad; and his Highness then came with him and expressed his admiration of various things I had purchased for him; amongst the rest a large musical box he was very much pleased with. The first time he came to my house was to thank me and express his opinion about it.

809. Have you not performed certain commissions for Ali Moorad?—Yes, I was requested to do so during the whole time he was in London.

810. Were you in the habit of seeing Mr. Butt also upon various occasions?—He was brought to my house by Mr. Coffey, and I think he was there on two or three occasions; not more than three or four, certainly.

811. Upon those occasions did any conversation arise as to Mr. Butt's connexion with Ali Moorad?—On one occasion.

812. With Mr. Butt, I mean?—The only time that Mr. Butt very particularly spoke on the subject to me was one evening that he came to the Opera House, and to my box, and he there spoke something about wishing to know my opinion, as well as the opinion of Mr. Coffey, who chanced to be also in the box, about the propriety of taking or sending Meer Ali Moorad back to India, or whether it would be proper to have the matter contested by the lawyers, or make a compromise; something of that kind. As I felt myself perfectly incompetent to give an opinion, I thought Mr. Butt was merely speaking to flatter me, and I expressed my opinion so at the moment.

813. Was that the whole of the conversation?—No; Mr. Butt came to my house that evening to supper, and a good deal more passed there.

814. Tell me what passed there?—Mr. Butt spoke in a manner, which but for subsequent events ——

815. What did Mr. Butt say?—He said he was going out to India if he could procure a despatch which he expected from the Board of Control; he would have to proceed to India to see it carried into effect, and that he would come home a very rich man.

816. Will you state the date of this conversation as near as you can recollect?—Well, I am positive that it was in the end of July or the beginning of August.

817. 1857?—Yes, because it was the first time that any idea of Mr. Butt going to India had been noticed; and it came from himself on this occasion.

818. What further did he say?—He said there were a great many princes in India circumstanced as Ali Moorad was, and that he would be a great Siam amongst them; something of that kind. Mr. Coffey would bring those people to him, and he would make a vast deal of money by advocating their cause, and be a very wealthy man; he was speaking of what he would do for me, &c. when he returned.

819. Was that the only time that you had any conversation with Mr. Butt?—With Mr. Butt on that subject, the only time.

820. It was at the end of July or the beginning of August?—I know it was then,

Mrs. *E. Parr.*

25 Feb. 1858.

then, because it was then only talked of as a probability: a day or two afterwards I heard it as a certainty.

821. After that was there any arrangement made between you and Ali Moorad that you should go to Paris?—None in the world; the thing was never thought of. I went to Paris on my way to Germany in search of a college for my children. They had been five years in France, and they returned from France in the vacation; they returned on the 12th of August, and came home, and I was going, quite independent of Ali Moorad, for the purpose of selecting a college for my boys. Ali Moorad was at my house, and saw my boys, and seemed to take a great fancy to the eldest. He said something to Mr. Coffey in Hindostanee. Mr. Coffey told me his Highness wished, if I was going at the same period, that we should travel together, as he had a great many commissions to give me in Paris. I deferred my journey, and waited two or three days, and as soon as I ascertained they were gone, I followed to Paris.

822. You travelled by yourself to Paris?—Most decidedly, with my child.

823. When you arrived at Paris, were you not in communication with Ali Moorad?—At once, the next day.

824. For what purpose?—I think the next day my boy was needed to play chess with the Ameer, or we went to the Jardin des Plantes. Mr. Coffey, I believe, does not speak French, and my boy interpreted for them. Whenever they went out my boy went with them in Paris.

825. At what hotel were you?—At the Hotel Des Deux Mondes, rue d'Anton.

826. Were you at the same hotel with Ali Moorad?—The same, but in a different portion.

827. Is it a very large hotel?—A very large hotel I fancy; we had to go through a court-yard at the other side to go to Ali Moorad's apartments; I have been in his apartments.

828. Did you proceed from Paris to Vienna?—I proceeded from Paris with the intention of going to Dresden; and before I arrived at Dresden I heard from people whom I met at Frankfort, that I could not succeed in getting a college to suit my purpose at Dresden. The Ameer then induced me to go as far as Vienna. As I wanted a college in Germany, I did not mind going; and I went as far as Vienna with the Ameer.

829. You went from Paris with the Ameer?—Yes; that is, in the same train, not in the same carriage the whole way. I was occasionally in the same carriage, but I avoided it as much as I could, because it was so disagreeable playing chess in the carriage.

830. How many days were you getting to Vienna from Paris?—I have a very bad recollection of dates, and I can only recollect it in consequence of the telegraph from Vienna, that was the 8th Tuesday, and we arrived——

831. How many days were you going; I did not asked the date?—I think we left Paris on the Thursday, and we arrived on the Saturday week in Vienna.

832. Saturday week?—I think so.

833. Did you make the journeys by night at all?—Oh, no. You see, during the day, the Ameer's dinner was arranged in the carriage what he required when he arrived, and it was almost invariably telegraphed on to the place where he decided on stopping; then a list had to be made by Mr. Coffey in Hindostanee of the things that the servants would require; he then put the English words to it, and my child put the French words, and my boy had to go to the kitchen each evening with the servants, and ask for the things the cook required.

834. So that you made short journeys during the day, but you did not travel by night?—Never after sunset.

835. Did you stop on each occasion that the Ameer stopped?—I stopped on each occasion that the Ameer stopped.

836. Did you stop at the same house?—During the journey from Paris to Vienna? Yes.

837. When you arrived at Vienna, you put up at some hotel there, I suppose?—At the Hotel Wandle.

838. Had you apartments of your own there?—Yes.

839. Was it a large hotel?—Very large; one of the largest, I think, that I have been in.

840. Did Ali Moorad put up at the same hotel?—Yes.

841. Was he upon the same floor with you?—No, his apartments were much more expensive than mine.

842. When

Mrs. E. Parr.

25 Feb. 1858.

842. When you were at Vienna, do you recollect any circumstance connected with the presentation of persons to Ali Moorad?—A great number of ladies and gentlemen, some staying in the hotel, and some whom I knew, requested to be presented to the Ameer, and they were presented.

843. Do you recollect a particular occasion on which the chamberlain of the King of Sweden was present?—Yes.

844. Do you recollect upon that occasion also one of the attachés of the English legation coming into your apartment?—The secretary of the legation, the Hon. Henry Elliott, came in.

845. And who was in your apartment at that time?—At the moment that he came in the chamberlain of the King of Sweden, and two ladies, whose names I should not wish to mention, were present with me; and Mr. Coffey had just come into the room for the purpose of taking us down to the Ameer when Mr. Elliott was shown in.

846. Did any conversation take place between you and Mr. Elliott?—A great deal.

847. Can you state pretty much the substance of that conversation?—I think the servant that came in gave Mr. Elliott's card, as well as I recollect, to Mr. Coffey, and that he handed it to me, being in my apartment. I had no idea at that time who the gentleman was. I begged him to sit down. I did not know what his business was; I thought he was a person who wished to be presented to the Ameer; he said he had come from Sir Hamilton Seymour to ascertain the name of the place to which the Ameer was going; Mr. Coffey told him; and as he looked with a good deal of surprise to see a gentleman in evening dress, and with an immense quantity of orders, collars, and decorations, as the Chamberlain of the King of Sweden had on, I explained to him that we were all going down to see the Ameer, and asked him to accompany us.

848. What did he say?—He asked if he had been presented at Court; and Mr. Coffey said, "No, indeed, he has not, and he is very sore about it that the Queen did not receive him." So Mr. Elliott said, "Then I will not go." So I said, "Well, really, you are very particular. Because Sir Alexander Mallett has been continually with him at Frankfort, and very attentive to him while he was there and in England; he has been received by some of the first people in England." I named those at whose houses I knew the Ameer had been. But Mr. Elliott persisted; and, after a good deal of conversation upon the state of India, and telling him he was quite convinced that he must have been mistaken about the Guards being ordered out to India. He thought that Mr. Coffey was needlessly alarmed at the state of Bombay. The mutiny would not be anything; that he had relatives there, and that sort of thing; and he went away after a considerable time.

849. Did you tell him about your children?—We were speaking of the atrocities that had been committed in India, and he asked me if I were going out, belonging to the party; and, speaking of India, he naturally concluded, perhaps, that I was going to India with the party. I then explained that I had merely come to Germany in search of a college for my boys. We had some slight discussion as to where the best accent was spoken. He told me I had come to a wrong part of Germany; I ought to go to Hanover, or have left him at Dresden.

850. Did you hear that conversation that took place between Mr. Coffey and Mr. Elliott?—I did; because as soon as Mr. Elliott came into the room, as it seemed likely that we should be detained for a few minutes, the two ladies who were with me left the room, and went to bring a third lady, who was late, who was to have joined our party. Mr. Coffey then introduced the chamberlain of the King of Sweden to Mr. Elliott. We all four joined in the conversation, so that I heard everything, I think, that passed.

851. Upon that occasion did you hear Mr. Coffey state anything concerning Ali Moorad Khan?—Nothing more than what I have stated.

852. What was that?—That he was not presented at Court; that he was not pleased about not being received by the Queen, and that Mr. Coffey was very nervous about taking him into Bombay at the time of the Moharran. If there was a violent religious excitement, he was afraid, he said, that the rebels would get hold of Ali Moorad's name. He told Mr. Elliott about the Board of Control having promised to send out a despatch. If the despatch were not sent out his name might be used by the rebels and form an excuse.

Mrs. *E. Parr.*

25 Feb. 1858.

853. Did you hear Mr. Coffey state anything of Ali Moorad joining the strongest party?—No, I did not.

854. Was anything of that sort stated upon that occasion by anybody in your hearing?—If I were to say solemnly I could not say that I did not say those words. I have no recollection of having used them to Mr. Elliott, but I have frequently used them to the Ameer himself. There was something of the kind, because Sir Charles Napier's Life was referred to in speaking of the atrocities that were then being committed in India. I told Mr. Elliott, "The truth is, I do not think Ali Moorad was less cruel than any of those out there are." I quoted anecdotes from Sir Charles Napier's Life with reference to Ali Moorad. Those things had been quoted before when we had talked of them, and Ali Moorad had laughed at them with me. So that if anything of the sort did pass, it must have emanated from myself; and I know that Mr. Elliott since is of the same opinion.

855. Have you since seen Mr. Elliott with reference to that interview?—I had.

856. What was the occasion of your seeing him?—When I returned to England I found that Mr. Coffey had been here for some time, and that he had done nothing. When he came to me I asked him the reason, and he gave me a letter from his brother.

857. Which brother?—His brother James, and this letter spoke of some communication which Mr. Butt had shown to him.

858. Have you got that letter?—No, Mr. Coffey has got it.

859. In consequence of that letter, what did you do?—Mr. Coffey gave me that as the reason for not taking any step. He said, "From what I now know of this man's character, I am convinced that this will be your ruin;" that it would ruin me, being without the protection of a husband, having my children to support, and my bread to earn. He said, "I am convinced it will be your ruin, and I have therefore waited without going further in the matter, until I saw you; if you think it will be injurious to you, put the letter in the fire; I have made fortunes before, and I will go to New Zealand or Australia and make another."

860. What did you do upon that occasion?—I was so overpowered and frightened that I could not do anything at the moment; I requested him to leave the letter till the next day, and I said I would then give my decision, and he did so.

861. What was your decision?—My feeling was that my world was the people who had known me all my life, and as this letter had been shown about amongst them as an excuse for Mr. Butt's conduct, unless it was at once met and rebutted, I was ruined; I therefore felt that the only true and proper course for myself would be to have the matter investigated.

862. What did you do?—It had a very great effect upon me, and I was not able for a day or two to go out; as soon as I was able I went to the Board of Control, and I asked to see Mr. Vernon Smith; I saw his son, Mr. Gowran Vernon. In the meantime I had made copies of the two letters which Mr. Coffey had written from Vienna, and of the same statement from Mr. Butt that accompanies the letter that I was shown. I took them and that letter with me and went to the Board of Control; I saw Mr. Gowran Vernon, and I put them all into his hands; I could not see his father; and he promised that he would examine and see if there was any despatch or anything in which I was alluded to. I left the papers with him, and they were returned to me the next day from Mr. Gowran Vernon, with the letter which I have got.

863. Have you that letter with you?—Yes (*the letter was handed to Mr. Roebuck*); I had the communication in my hands for three or four days when I received that letter; I returned only on the 12th or 13th from abroad.

Vide Appendix.

[*A letter directed to Mrs. Parr, at* 17, *Old Bond-street, was read.*]

864. What took place after you received that letter?—In the meantime Mr. Coffey had written the explanation to his brother.

865. Which brother?—His brother James, from whom that letter that annoyed me came; and instead of appearing perfectly satisfied with the explanation, the letter that followed from Mr. James Coffey seemed to reiterate the charge; I therefore felt I must do something more, and I wished to see whatever had been sent. He speaks of two documents from two attachés, and that Sir Hamilton Seymour also expressed himself very strongly upon the subject. As

I had

I had never seen any attachés, or anybody connected with the embassy, and had never been near it in my life, but the accident of Mr. Elliott being shown into my apartment. I thought it better, if I could not obtain the information I wanted in England, to go to Vienna. I therefore went again to Mr. Gowran Vernon; he told me that Sir George Clerk had requested him to write to me, as he wished to see the book again. I gave my book, and he recommended me not to think of going to Vienna at such a season; it was so cold, and it would be such an expensive journey. If I were to go to the Foreign Office they would give me all the information there. I did go there; Mr. Spencer Ponsonby was kind enough to obtain Lord Clarendon's permission for me to examine the papers to see if my name occurred. He said nothing of the sort appeared in any way. I then became convinced that there must be some foul play; I instantly went myself to Vienna; I had a second letter from Mr. Gowran Vernon. I should have mentioned, that I told Mr. Gowran Vernon I believed it was Mr. Coffey's intention to send in a statement of what passed, and he seemed anxious that he should do so; and as I chanced to have a copy of it with me, I let him have it; and it was returned to me with this letter (*handing in a paper*). It alludes to the first letter written to Mr. Vernon Smith.

Mrs. *E. Parr.*

25 Feb. 1858.

[*The Letter directed to Mrs. Parr was read.*]

Vide Appendix.

866. Did you go to Vienna?—I went to Vienna, and I took with me copies of the two letters that Mr. Coffey had written from Trieste, and also Mr. Butt's statement. I saw Sir Hamilton Seymour. He was extremely kind; he read these things, and having heard my explanation, he was excessively angry; he seemed to be; and to think that the whole proceeding was very extraordinary; and when I pointed out to Sir Hamilton Seymour that he had expressed himself very strongly on the matter, he said, "To be sure I did; Mr. Butt told me that Mr. Coffey was a blackguard, and as such I was anxious to hunt him down; but I am quite prepared to give you every satisfaction that I can, as I see that it is a mistake."

867. Did you hear anything about that telegram that was sent to the Foreign Office?—When I went to the embassy, Sir Hamilton Seymour seemed to know nothing in the world about the affair, but what he had heard from Mr. Butt; and he then said, that I had better see the people and examine them myself, and he took me with him from his own house, in which I was, up to the office where the attachés were; I there saw Mr. Gould; I asked for Mr. Irvine, whom I had heard Mr. Butt speak of; they told me he was on leave; he had never seen Mr. Coffey in his life, and consequently could give me no information; Mr. Gould said that he had seen him, but it was not he who telegraphed; Sir Hamilton Seymour then gave me a letter of introduction, which Mr. Elliott permitted me to retain, to Mr. Elliott; he was at his house in the country, not well, and I went there and had a good deal of conversation upon the subject with Mr. Elliott. That letter is immaterial.

868. In your conversation with Mr. Gould, did you ascertain that he had given any memorandum of the conversation that occurred between him and Mr. Coffey?—Not at that time.

869. You did not ascertain it then?—No.

870. Did you ever ascertain it?—After I returned in the evening from Mr. Elliott, Sir Hamilton Seymour requested me to come back to him after I had seen Mr. Elliott.

871. Then what did you ascertain about Mr. Gould having made the memorandum?—In my first interview with Mr. Gould very little indeed. It was consequent upon, and arose out of what I heard from Mr. Elliott.

872. When you got back to Mr. Gould in the evening, did you see him?—I saw Mr. Gould. Sir Hamilton Seymour was at dinner; I therefore did not wait or disturb him; but I stayed a few moments with another gentleman, Mr. Gould, in the attachés' office, and he there said that whatever was telegraphed was correct; I asked him how could he possibly tell, as he had nothing whatever to do with the telegraph. He said, "Yes, I had; it was to me the communication was made." I said, "Pardon me; it is too late to say that; Mr. Elliott has told me everything about it."

873. What then?—He seemed greatly annoyed; he did not say anything more.

Mrs. *E. Parr.*

25 Feb. 1858.

874. Was that the whole of the conversation?—Almost the whole of it. My anxiety was to discover Mr. Irvine's address.

875. When you went to Mr. Elliott, had you any conversation at his house? —Yes.

876. What was that conversation?—Mr. Elliott was not well, and he seemed very much irritated and annoyed at being applied to at all upon the subject. He said, "I assure you, Mrs. Parr, I know nothing whatever about it. I never saw Mr. Coffey in my life. I never saw Mr. Butt in my life." I said, "I am very pleased to hear you say so; it cannot have arisen out of anything that occurred in my apartment." He said, "Oh, yes, I am sorry to say it did. The fact was, that Mr. Gould came out to dine with Sir Hamilton Seymour on Monday, the 7th. He told Sir Hamilton Seymour that Mr. Coffey had come to ask for news about the Guards going out to India. Sir Hamilton prepared the despatch, but he forgot the name of the place to which the Ameer was going, and he requested me to call as I came into town the next morning at Mr. Coffey's hotel, and ascertain it." I said, "That is exactly what I thought; you had nothing to do with it." He said, "I am sorry to say I had; when I went back I destroyed the telegram that was prepared, and prepared another."

877. He destroyed the one that was prepared by Sir Hamilton Seymour, and prepared another?—Yes.

878. Which other he sent?—Yes.

879. Had you any conversation about that other telegram?—I had. I said it was most unfortunate that he had made such a mistake in attributing my words to Mr. Coffey, or attributing to Mr. Coffey words that must have occurred in general conversation. He said, No, his memory was perfect. Sir Hamilton Seymour told me he had the greatest trust in Mr. Elliott's memory, and Mr. Elliott said his memory was perfect. He quite recollected the conversation. Among other things he told me he recollected perfectly that Mr. Coffey told him he had come to Vienna for the purpose of educating his children, one of whom he had brought with him. I said, "Well, Mr. Elliott, if you only want a proof of how very defective your memory is, with reference to the conversation, surely you must remember it was I who told you, when you asked me whether I was going to India, it was my children I brought to be educated. Mr. Coffey has but one child, an infant. He was going on to India with the Ameer."

880. He, Mr. Coffey, not the infant?—Yes.

881. What did Mr. Elliott say to that?—He said, "Will you take my advice. Have nothing to do with it; everything that occurred with you is a mistake. I will give you every satisfaction in my power, but do not trouble yourself in any way about Mr. Coffey's affairs. As far as I am concerned, any letter or testimony I can give to repair the wrong that I have unconsciously done you, I will give." He also mentioned other circumstances of the conversation which I proved to him were incorrect.

882. There was some statement made that you were introduced as Mrs. Coffey; did you mention that to Mr. Elliott?—I never saw any statement of the kind, or ever heard of it anywhere, I think, until this moment; I was never introduced at all.

883. Until this moment had you never heard that statement?—Never, that I was introduced as Mrs. Coffey.

884. Was not there some mention that Mrs. Coffey took part in the conversation?—Yes; that was exactly it.

885. That it was which made you angry?—Yes; not that I was introduced.

886. Were you spoken of in the telegram, or in the communication, as Mrs. Coffey?—Yes.

887. Did you mention that circumstance to Mr. Elliott?—That was the reason that brought me to Vienna.

888. What did Mr. Elliott say when you stated that?—He explained, finding me with the party, evidently travelling with them, and speaking of the Ameer's affairs, he very naturally fell into the conclusion that the lady in whose apartment he was, was Mr. Coffey's wife, having been shown into a room by a servant.

889. That was all the ground he had for calling you Mrs. Coffey?—He has written to that effect; I have his letter here.

890. Let

890. Let me have that letter?—Yes (*handing a letter to Mr. Roebuck*). Mrs. *E. Parr.*

[*A letter from Henry Elliott to Mrs. Parr, dated November 30th, 1857, was read.*] 25 Feb. 1858.

891. Had you any conversation with Mr. Elliott about the assertion, also made by him, that Mr. Coffey had stated that Meer Ali Moorad would join the strongest party?—Yes. *Vide* Appendix.

892. What was it?—He told me his recollection was perfect. It was with reference to that he was speaking of his recollection being so good; he was quite sure that Mr. Coffey used those words. And when I told him that Mr. Coffey's feeling was so different, and that he always combated that assertion on my part, he said, "Oh yes, I know you felt it because you said so, and you said that Sir Alexander Cockburn entertained a similar opinion." I then explained to him, and he acknowledged I was correct about the manner in which that name occurred; that when he said he would not go down as the Queen had not received the Ameer, I mentioned that the Duke of Wellington, Sir Alexander Cockburn, Lord Combermere, Mr. Danby Seymour, and a number of other nobility and gentry had received the Ameer; that portion of it he acknowledged. I told him the injury it would do me amongst my friends; I think I said that Sir Alexander Cockburn, the Chief Justice, would be annoyed if he found I had used his name, and attributed to him what he never said; and I said, "Your mistake in that way will do me vast injury." I then had a second letter from Mr. Elliott. His letter is rather ambiguous, but I think it bears out what I now tell you.

893. Will you hand me that second letter?—Yes (*handing in a letter*). You must remember that I have never seen the memorandum, or a copy of it, to which that letter refers.

[*A letter, dated December 22, 1857, from Henry Elliott, addressed to Mrs. Parr, was read.*] *Vide* Appendix.

894. Was there any further conversation respecting the language used by Mr. Coffey; did Mr. Elliott still adhere to his belief that Mr. Coffey had used that language?—I did not attempt to press Mr. Elliott upon that subject, because my position was a very delicate one. If I had, it might have given Mr. Elliott an idea that I had a particular interest in Mr. Coffey, when in reality my motive in getting this out was to prevent any imputation being cast upon me. I therefore did not press him very closely; when I did speak about it, I spoke of the injustice of having the words I had used and my sentiments attributed to Mr. Coffey, and that the charge was founded against him on that. He said, "Very well, that can be very easily explained now: but do you have nothing to do with it; keep away from it; it will be so much better for you to have nothing to do with it." I then said to Sir Hamilton Seymour, "It would be very hard that a gentleman who merely came into my drawing-room as a visitor, and had a general conversation, should telegraph home a thing that would be injurious from that conversation;" and Sir Hamilton Seymour also gave me a letter acknowledging that Mr. Elliott merely came as a visitor; that there was nothing official in any way in his visit. That is Sir Hamilton Seymour's letter (*handing in a letter*). If you will be kind enough to permit that letter to be read, I shall be extremely obliged. Those are my motives for ever wishing to have interfered in this matter.

[*A letter from Sir Hamilton Seymour to Mrs. Parr, dated Vienna, 1st December 1857, was read.*] *Vide* Appendix.

895. While you were talking with Mr. Elliott about the goodness of his memory, did anything occur respecting the chamberlain of anybody in that room?—Yes.

896. What was it?—Mr. Elliott received me very kindly, and was personally extremely kind, and very anxious to afford me every satisfaction. He therefore wrote a letter, not that, but another letter; and at the same time that he was speaking of his memory being so very perfect, he handed me that letter, and, when I read it, as I was bringing these letters home, intending to show them to Mr. Vernon Smith, who has since read them, and Lord Clarendon, and those people, I thought it would not be a lady-like act to take that letter from him; and I therefore returned it to him, and told him I never would use it or utter its contents, unless it were requisite when an inquiry was made about the telegram.

 897. What

Mrs. *E. Parr.*

25 Feb. 1858.

897. What did that letter say?—That letter concluded by saying, that Mr. Coffey had introduced him to the chamberlain of Meer Ali Khan, with whom he had also a good deal of conversation.

898. What occurred then; what did you say?—I pointed out to Mr. Elliott, that if I took away that letter and used it, it would at once convince every one that his memory could not have been perfect; for that he found that gentleman, a Swede, who spoke every European language, sitting in our apartment; that he was introduced to him; that he had decorations and crosses of every country in Europe on; that he had been introduced to him, and talked a good deal to him about the illness of his master, the King of Sweden, who was then extremely ill; and this gentleman explained that he was at Vienna to attend a convocation going on there; that there had been a good deal of discussion with this chamberlain, who spoke English perfectly, in French and English, and therefore if I permitted Mr. Coffey to use this letter, it would be hurtful to him. I thought it was better not to take it away. He then thanked me, and said, of course he could not pretend to say that a mistake might not have occurred in general conversation; if necessary, he would give an explanation. He took back the letter; he said, "As you have an appointment with Sir Hamilton Seymour, keep it. I shall write another letter, and send it to your hotel." I was anxious to leave Vienna the next day, and did so, and the other letter was sent to me there.

899. Did you return the other letter?—Yes.

900. So that Mr. Elliott had made a mistake in spite of his good memory in saying that the chamberlain of the King of Sweden was the chamberlain of Ali Moorad Khan?—Yes; though he had spoken of his master to him, and he had told him of the King's illness, and of his purpose then in being at Vienna, attending this convocation.

901. Did you hear the conversation between the chamberlain of the King of Sweden and Mr. Elliott?—Yes; I reminded him of those circumstances, and then it all came back to him.

902. On your journey from Paris to Vienna, did you go through Frankfort?—Yes.

903. How long did you stay at Frankfort?—I think we got into Frankfort on Sunday evening, and left on Thursday morning.

904. Was any cause stated to you of the delay?—Yes; I was used as the means of getting the Ameer on, because I had to go down and take leave of him, and declare that my finances were not like his, and that I could not afford to remain, and he begged of me to remain until next morning; that he would then come, without staying, as he wished to do, to shoot deer in the forest of the Grand Duke of Baden; he did not wish to go on, but sooner than have me go on and lose the services of my boy, he consented to come on the next morning. We should have left Frankfort on Wednesday evening but for that.

905. Did Ali Moorad Khan tell you the cause of his delay there; did he attribute to Mr. Coffey any of those causes; did he say he was the cause of the delay?—He was annoyed with Mr. Coffey for wishing to push on; Ali Moorad wanted to remain; I think I have got the letter unsealed, as it was addressed to the Grand Duke of Baden, a letter of introduction which was not delivered.

906. At the time that he delayed at Frankfort did he spend part of his time, or a great part of the time, in shooting?—We got into Frankfort on the Sunday evening, and Mr. Coffey was engaged on the Monday with the Ameer; and he requested my boy to take the Ameer's passport to the Austrian embassy to have it *viséd*, that we might go on. The child brought it to me, and asked me to go with him. I did so; and when we got to the Austrian embassy they told me it could not be done until it was first *viséd* by the English ambassador. We then had to make our way to the English ambassador. Sir Alexander Mallett was not in town; but the person whom we saw at the embassy told us he would be in by four o'clock. We therefore left the passport with him and returned for it at four o'clock. When Sir Alexander Mallett heard that the Ameer was there, he said his brother had been resident at his court, and had known him very well, &c., and he would wish to see him; and he came over that evening to the Ameer. In the meantime Mr. Coffey had made arrangements with the officers who called to visit the Ameer, or the Ameer had arranged with the officers, through Mr. Coffey, that the next day he was to go to some forest in the neighbourhood of Frankfort to shoot. He had been wanting to stop to shoot as we passed the Black Forest.

907. After

907. After you left Vienna did you go to Trieste?—Not immediately. I left the immediate neighbourhood of Vienna before the Ameer left Vienna, because I did not wish to be again forced to remain longer, as it was a very great annoyance to my boy. I could not have him at home; he was out shooting with the Ameer trying guns, and in the kitchen with the servants. I wished to get the child away. I went with some friends to Soemmering, which is a place where the Empress resides, a few miles from Vienna. *Mrs. E. Parr.* 25 Feb. 1858.

908. Afterwards you went to Trieste?—I went with other friends to Venice; in passing through Trieste an accident occurred; I was ill, and I remained a few days at Trieste.

909. You saw Mr. Coffey there, I believe?—I saw Mr. Coffey there, but not the Ameer.

910. Were you told that Mr. Butt was there, or coming?—No; I heard that Mr. Butt was expected, and knew he was expected the whole way, but he was not there.

911. You went on to Venice?—Yes, I went on to Venice.

912. When you returned to England, from your second journey to Vienna, did you make any communication to Mr. Vernon Smith?—Yes, instantly.

913. You told him the result of your journey?—Not to Mr. Vernon Smith himself; to his son, Mr. Fitzpatrick Vernon; he left me in one room, while he went into the next room, in which his father was sitting, and told him what passed; I also left him the letters; they were shown to Mr. Vernon Smith; and Mr. Fitzpatrick Vernon afterwards returned them to me with a letter acknowledging that the President of the Board of Control had read them.

914. When at Venice did you see Mr. Coffey?—Yes.

915. What was the occasion of your seeing him there?—I wrote, requesting him to come to me before he left Europe.

916. You thought then he was going to India?—No, I thought he was going away, never to be seen or heard of by anybody again, at least his letters expressed that, in consequence of the treatment he had met with at Trieste; I thought it a great pity he should go away a disgraced and ruined man, because I thought he was innocent, and particularly as he left me in charge of his child. I have kept that letter; that letter from Mr. Coffey is here; that made me ask him to come to Trieste.

917. How old is your son?—He will be 15 in April; the eldest.

918. Is there anything more you wish to state to the Committee?—Nothing else.

The Witness was directed to withdraw.

Meer Ali Akbar, called in; and Examined.

919. *Chairman.*] HOW long have you been in England?—About four years. *Meer Ali Akbar.*

920. When did you come to England?—It was in the latter end of 1853; December.

921. With whom did you come to England?—I came with the Nawab of Surat; but at the same time, I was employed on the part of his Highness the Ameer of Scinde; I was his accredited agent.

922. Until he left England?—Until he came to England; I was here on his part before he came to England.

923. And while he was in England, were you in communication with him as his agent?—I left him for a few months; but again I was employed as his agent.

924. Until when?—Until he left; I am now in his service.

925. Have you been as his agent, in communication with Mr. Coffey and Mr. Butt?—As his agent I have seen Mr. Coffey and Mr. Butt, but I was not acquainted with any transaction between Mr. Butt and the Ameer; that was kept entirely secret from me.

926. But as the agent of the Ameer have you communicated both with Mr. Butt and Mr. Coffey?—Yes.

927. Have you been in communication with the Ameer since he left England for India?—Yes.

928. And you still hold yourself to be his agent?—Yes.

The Witness was directed to withdraw.

After a short time the Witness was again called in.

Meer Ali Akbar.

25 Feb. 1858.

929. Mr. Serjeant *Deasy.*] Have you any letters from the Ameer during his journey from London to Trieste?—Yes.

930. Just give them in order of their dates?—One from Paris, another from Trieste.

931. Will you translate them; take first the letter from Paris?—"My great friend, Moonshee Sahib, you may remain in God's protection. At this time I have to spend 2,000 rupees at the hotel. I have called for that money from mercantile bank. You may do me the favour of proceeding there instantly. The expense of hotel is great deal. I shall send you all the hotel receipts from Cairo. You can examine and see whether they are right, or any portion of it has been robbed by this Bin Shytaun, son of Satan; but send me this 2,000 rupees immediately, otherwise this bastard will keep me detained on the road. You shall get a fresh power from me from Cairo; according to that you must act; I shall let you know the particulars of the villany of this son of Satan, one by one. I shall write to you as my friend. You shall be prepared to remedy that; write me word by word what happens; write to me what Sir George Clerk tell you. I have had made a set of teeth at Paris." That is the first letter.

932. Is that the Ameer's writing; is it signed by him, or has it his seal?—This is in the Ameer's writing.

933. Mr. *Roebuck.*] Is there any signature to it?—No.

934. Is there any seal?—On the envelope there is the Ameer's seal.

935. The envelope does not prove the authenticity of this letter?—It is customary in all official correspondence; even in India they do not sign or seal the letter, only seal the envelope; if the handwriting is authentic, it is quite enough; it is considered so.

936. *Chairman.*] Do you know the character of the writing in Persian of the Ameer?—Yes.

937. Have you known it long?—I have known it for a number of years.

938. Are you quite sure that that is the handwriting of the Ameer himself?—Quite sure.

939. Have you no doubt about it?—No, not the least doubt.

940. Can you tell us, on your credit, that that is a letter in the handwriting of the Ameer, received by you by post?—Yes.

941. From Paris?—From Paris.

942. Mr. *Sidney Herbert.*] Have you translated the whole of this letter?—Yes.

943. It is written upon both sides?—Yes.

944. Did you translate both sides?—No.

945. *Chairman.*] Is there some more of the letter?—On the back of it. In the course of conversation I did not read this.

946. Mr. *Bright.*] You did not observe it?—No, I did not observe it.

947. Colonel *Wilson Patten.*] Can you produce any proof that it is the custom in India, with respect to letters, not to sign upon the letter itself, but on the envelope?—I receive a number of letters from the Ameer which always bear the seal upon the envelope, and not inside; no seal and signature, and the proof of this I cannot produce now. That is one letter to the Government, but I can refer to the Government records, that there are numbers of letters from the Ameers of Scinde, and from other chiefs in India, received as authentic letters, without any seal or signature inside.

948. Have you not about you any letter from anybody else, without the signature on the letter itself?—Not at present; but from the Ameer I can produce other letters. I had letters to Sir George Clerk, not now at present; I have not them with me.

949. *Chairman.*] In addition to the seal, is it not the custom to add a word of the letter, or a letter of a word, in the writing of the person who sends the letter, as authenticating it to be his?—No, they do not do that; in a private letter of this sort they do not do it.

950. In an agreement, would the practice be to do it?—In an agreement they would.

951. But in ordinary correspondence by letter, that is not the practice?—That is not the custom.

952. Mr. *Roebuck.*] Does it never take place?—It may take place, but it is not customary.

953. So that, if I produce you letters on the part of the Ameer, one after another

another, in which it has taken place, that is contrary to the custom?—No, I do not say it is contrary to custom; it has taken place.

The Witness was directed to withdraw.

After some time the Witness was again called in.

954. Mr. *Roebuck.*] Does the sentence end on that side of the paper where you left off translating?—Yes.

955. *Chairman.*] Have the goodness to translate the remainder of the letter?—"I have purchased some other things, which I will send you the account. Do me the favour when you see this letter, proceed to the bank instantly, and send me the 2,000 rupees. Don't allow one moment to pass, because I am in need. When I arrive at Bombay or Khyarpore, I shall return the money through Nawntu Dass" (that is his agent in Bombay). "Assure the bank man of all this. To-day, Thursday 25th, I am leaving Paris for Trieste. I hope this money will reach me before my arrival at Trieste. Don't delay in sending this money. Give my compliments to Sir George Clerk, Sir Henry Rawlinson, Madame Sombre, and Lord Ellenborough. Palyah Khon sends you his compliments."

956. Mr. Serjeant *Deasy.*] You are acquainted with Mr. Coffey's handwriting; is that it (*handing an envelope to the Witness*)?—I believe so.

957. *Chairman.*] Do you know the seal of the Ameer?—Yes.

958. Is that the seal?—That is his seal.

959. Mr. Serjeant *Deasy.*] You have another letter from Trieste?—Yes.

960. *Chairman.*] By whom is that letter directed?—It is directed in English to my name.

961. Do you know the handwriting?—No.

962. Do you know the seal?—Yes.

963. Whose seal is it?—The Ameer's.

964. Mr. Serjeant *Deasy.*] Did you get this letter in this envelope?—Yes, this came to the secretary of the Mercantile Bank, who enclosed it in an envelope and sent it to me; the Ameer did not know my address.

965. *Chairman.*] The seal was unbroken?—Yes.

966. This envelope is now in the state in which you received it from the Mercantile Bank, except it was sealed then and it is unsealed now?—I opened it myself when I received it.

967. Is the enclosure in this envelope as you received it?—Yes.

968. And in whose handwriting is the enclosure?—It is in the handwriting of the Ameer.

969. You are quite sure of that?—Yes.

970. And that is the same enclosure which came in this envelope?—Yes.

971. You state that positively?—Yes.

972. Mr. *Bright.*] Has it the Ameer's seal or signature?—No.

973. It is the same as the other?—Yes.

974. *Chairman.*] The seal of the Ameer was unbroken when you received those letters?—Yes.

975. You state positively that that was the enclosure you took out of this envelope upon breaking the seal?—Yes.

976. In whose handwriting is it?—The Ameer's.

977. Is it his own handwriting?—Yes.

978. Is it dated?—There is no date upon it.

979. Now proceed to translate it:—"My kind friend, Moonshee Sahib, you may be protected. Before this, I sent you a letter from Paris, which I had written, and in that letter I stated to you the circumstances of the bad conduct of this devil. To this day I receive no answer. Perhaps, through the villany of this accursed, you have not received it. However, this is the circumstances of this place. On my arrival at Paris, instantly I told him to prepare for proceeding to-morrow morning. He told me that I was sick, and made many excuses. He kept me in Paris for four or five days and then we left Paris; in every stage he made excuses and pretences; some place he kept me five days, and in another place he kept me for six days, all without benefit; in short, after thousand contrivances I arrived at Trieste on the 21st; on my arrival the boat had left for Alexandria. Now he tells me what can I do; another boat will go in course of another 15 days; that is also doubtful; may go or may not go; other times he makes many excuses. Sometimes tells me, get your Minister Ali Akbar, who is your friend, he will take you to Bombay; and other times he

Meer Ali Akbar.

25 Feb. 1858.

tells me the English Government has ordered you not to go to Scinde. Sometime he tells me Mr. Butt is coming; you must wait for him; this is the fourth day that I am remaining at Trieste. I have nothing to do here. There is no one who understands my language; the men of this place even do not speak English. You know very well Mr. Vernon Smith and Sir George Clerk impressed upon me to go quick, and told me, Meer Sahib, go quick and perform services for English. How can I go quick? I am here like a prisoner; I am sitting here. Oh my friend, the disposition of this Satan is this; you may do what you think proper. Tell Sir George Clerk that I was going quick for the service of the English, but what can I do; that I do not understand the language; I am perfectly helpless. If he writes a letter of introduction to the consul of this place, telling him to despatch me to Bombay, do what you think right and proper, because I am delayed without profit in this place; perhaps I may be detained here for another month. You are my attorney. You may go over to the superior gentleman" (that means Mr. Vernon Smith), "and also Sir George Clerk, and tell them of the circumstances; tell them that I wanted to go quick, but God knows for what purpose this Satan has detained me every day; makes thousands of excuses; I may not be blamed hereafter. They may not tell me that I was not able to perform services. I write this for their information. Whatever you write me in answer it must reach my hand. It must not be given to others, otherwise it will never reach me. What shall I write more? Give my thousand compliments to all my friends."

980. *Chairman.*] The 21st is a date mentioned there; is that the date according to the English reckoning or the Persian reckoning?—It only says "21st," it does not say what month, or whether English or Persian.

981. Mr. *Roebuck.*] Look at that letter (*handing a Persian letter to the Witness*); whose seal is that?—That is the Ameer's seal.

982. That is to a Persian letter?—Yes.

983. Is not that customary?—This is not the Ameer's handwriting; this is written by one of his servants or somebody.

984. There is a difference between that handwriting and his?—Yes, a great deal of difference.

985. Mr. *Bright.*] How do you account for the fact of that seal being upon this letter, which you say is not in the Ameer's handwriting, and not on the other letter?—Perhaps in India they have not got any fixed custom. I received very often letters from the Ameer, even when it was not in the Ameer's own handwriting; but I took them as genuine because the envelope was sealed. Sometimes they do seal letters, and sometimes they do not. Certainly they never did before the English Government sent their embassy into Scinde. It was after that that they adopted the custom of sealing the letters; but then they only did it on certain occasions. They never did it always.

986. If the Ameer sends a letter to you, for example, which is not in his own handwriting, is it customary that he should then affix his seal in order that you may know that it is his, or that he had sanctioned it?—He may do it, or he may not sanction it; if the seal is on the envelope, it is quite enough.

987. Mr. *Roebuck.*] Was not the Ameer once accused of forgery?—Yes; he was accused.

988. Has he not been very careful since that to affix his seal to all writings?—No.

989. Have you been upon good terms with Mr. Coffey?—I have been on very good terms with Mr. Coffey while in Scinde. I have also been on good terms with him in this country; but only it was latterly that himself and his brother were rather disrespectful to the Ameer.

990. Which brother was that?—Mr. David Coffey; and it was on another occasion before that, I remember, on account of his disrespectful conduct towards the Ameer, certainly I told him; certainly I told him he was so; and from that day we spoke; but it was not the same cordiality between me and Mr. Coffey, but then there was no enmity; not on my part.

991. Did you never accuse Mr. Coffey of retaining, and not accounting for sums of money that he had received from the Ameer?—I did not know that Mr. Coffey had received any money, until the Ameer himself told me; he told me that he had paid Mr. Coffey 65,000 rupees, and Mr. Coffey had given him an account, which account was not satisfactory; and then the Ameer showed me that account, and I found it to be very much confused; items were put together; no dates were given; and when the Ameer asked Mr. Coffey for any receipt,

receipt, or the names of persons. Mr. Coffey refused to give them; I do not accuse Mr. Coffey of anything; but the Ameer wanted to have a satisfactory account from him; he did not, because he did not wish to have words. *Meer Ali Akbar.* 25 Feb. 1858.

992. Was not there a dispute between you and the Ameer with regard to money?—No.

993. Were you never taken to a police office in consequence?—No.

994. Or threatened?—No.

995. Never?—Never; with the Ameer?

996. Yes?—With the Ameer I had no dispute for money; but I can explain that; as the agent of the Ameer, the Ameer had sent me a certain sum of money, and the whole of that money did not reach me; his servant, who was in Bombay, tried to get a large per-centage out of that money; that I refused to give him; and when the Ameer came here he told me that about 4,000 *l.*, or more, had been paid on my account; I told the Ameer if he would produce any receipt from me I should be very glad to give him an account; then the Ameer, on my showing him certain letters from his agent, was perfectly satisfied that his agent had defrauded him; but I did not wish to have any words with the Ameer. I told Mr. Coffey that the Ameer owes me upwards of 1,000 *l.* on account of my pay, and expenses which I incurred for him, in writing pamphlets and taking opinions; what was due to myself, I was ready to give up that, and leave his service, rather than to have any words with him; and it was at the suggestion of Mr. Coffey that his brother drew a release; the Ameer not to ask me for any account, and I was not to demand my dues from him; the Ameer sealed that release, and gave it to me; I sealed the release, and gave it to the Ameer; and I made over all the papers belonging to the Ameer to him; Mr. Coffey's brother came down and took them.

The Witness was directed to withdraw.

Mrs. *Elizabeth Parr*, re-called.

997. Mr. Serjeant *Deasy*.] HOW many times did you see Mr. Butt, in the year 1856 or 1857?—I do not think I saw Mr. Butt in the year 1856 at all. *Mrs. E. Parr.*

998. Can you tell me how often you saw him in the year 1857?—I think not more than four times; it might be, perhaps, five or six; but I have a perfect recollection of four times.

999. Where did you see him, upon those four occasions that you have a perfect recollection of?—At my own house.

1000. At Bond-street?—Yes.

1001. Do you remember about the periods in 1857 when he called; can you fix the dates of those four visits which you recollect?—They extended over the summer of 1857; I could, by a reference to others, fix the dates of some of the visits, but I cannot at present tell you the exact dates.

1002. About what month did you first see Mr. Butt?—I should say early in the summer of 1857.

1003. Was it in the month of May, or the month of June?—I should say early in the summer, about May.

1004. He called at your house?—He accompanied Mr. Coffey to my house, and was introduced to me.

1005. Had you never seen him before?—I had seen him years ago in Ireland, but I had never been introduced to him.

1006. Did he remain long?—I have a very trifling recollection of that visit; the only reason for recollecting it, was what occurred on the second occasion; that makes me recollect the first.

1007. Was it on the second occasion that that conversation occurred?—The last occasion that I saw Mr. Butt.

1008. That was the fourth visit?—Yes.

1009. What occurred on the second occasion, which makes you recollect the first?—On the second occasion I was speaking to a gentleman on business, in my drawing-room, when the door opened unexpectedly, and Mr. Butt, Mr. Irwin and Mr. Coffey came into the room, and had some conversation with me and with the gentleman who was present; and he, in consequence of meeting Mr. Butt in my house, gave him an invitation to his house, to a party, to which Mr. Butt went; I consequently have reason to recollect the circumstance.

Mrs. *E. Parr.*

25 Feb. 1858.

1010. Will you tell us who that gentleman was?—Sir Alexander Cockburn.

1011. It was upon the fourth occasion that the conversation in the opera-box occurred?—That is the last occasion that I saw Mr. Butt.

1012. About what time did that take place?—I think early in August, very early, or the latter end of July; it must have been the latter end of July. It was the first time that I heard of Mr. Butt's intention of going to India.

1013. And he consulted you then as to the expediency of the Ameer's going to India, or taking legal proceedings?—He pretended to do so; I did not for a moment think that he was serious.

1014. Had he any particular object in either consulting you, or pretending to consult you upon that subject?—The only object I could have thought that he had was that he wished to flatter me; for what purpose, I do not know.

1015. Did he on that occasion go home to sup at your house?—Yes.

1016. Was anybody with him but Mr. Coffey?—Not with Mr. Butt.

1017. Was anybody else in the company?—Yes, a lady.

1018. She was a stranger, was she?—No; he had been introduced to this lady before.

1019. Beyond an introduction, she was a stranger?—He had met her on each occasion on which he had ever been to my house.

1020. Was she staying at your house?—She is.

1021. Before her he had that conversation with you at supper?—Yes.

1022. When was it that Sir Alexander Cockburn expressed the opinion that you detailed, about the Ameer's conduct, the Ameer's loyalty?—He never expressed such an opinion to me.

1023. I thought you made some remark in your direct examination as to Sir Alexander Cockburn's opinion?—No, not the slightest.

1024. Am I to understand that he never did express any opinion about the Ameer's loyalty or disloyalty to the Government?—Never.

1025. I suppose you knew Mr. Coffey and had been acquainted with some members of his family before?—Yes.

1026. I suppose he was on very intimate terms with you during his stay in London?—Upon the same intimate terms that any other friend of mine is.

1027. And he was in the habit of going to your house frequently?—Almost daily.

1028. And perhaps of dining and supping there occasionally?—Very seldom. A relative of his was very constantly at my house, and he was accustomed to come there on business matters, as he was certain of meeting him.

1029. And the Ameer came frequently too?—The Ameer came frequently too; and on the third occasion that Mr. Butt called, he found the Ameer's carriage at my door, and he explained that as his motive for coming in; it was seven o'clock, and he came in and sat some time with the Ameer, myself, and Mr. Coffey.

1030. Was that the third or fourth occasion?—I think it was the third. Now I recollect, I am sure that Mr. Butt was there on more than four occasions; but on that occasion he said it was in consequence of seeing the Ameer's carriage at the door. He came at seven in the evening, at a time when I should not expect that a person not intimate with me would think of calling.

1031. He assigned as a reason that the Ameer's carriage was at the door?—Exactly.

1032. The Ameer, I suppose, had been in the habit of taking opera-boxes; had he taken an opera-box from you?—Yes.

1033. You had executed, I think you said, other commissions for him both in London and Paris?—Yes, and at Vienna.

1034. You said in your direct examination, I think, that your object in going abroad was to put your sons, or one son, in some college in Germany?—Yes.

1035. Your first intention in leaving Paris was to go no further than Dresden?—It was in Dresden I wished to leave my boy.

1036. How long did you remain in Dresden?—I merely passed through Dresden, and from information I received at Frankfort I determined on going on.

1037. How long did you remain at Frankfort?—Three days.

1038. Was it there that the Ameer was so anxious to delay?—It was there he wished to shoot so much.

1039. You

1039. You heard Mr. Coffey pressing him to go on?—Mr. Coffey was anxious to get to Vienna for money that he desired to be sent there, and to see the copy of a despatch which he expected to meet him at Trieste; he was consequently very anxious to get on.

1040. You heard him apparently urging the Ameer to go on?—I never heard him apparently urging him. I heard him in reality, and saw him urging him to go on.

1041. When you say "in reality," did you understand the language in which he was addressing the Ameer?—Not Hindostanee, not a word; but I heard sufficient on the occasion to which I allude to know that Mr. Coffey was sincere, as he had begged of me beforehand not to accept of any offer that the Ameer might make me to delay my journey.

1042. As I understand you, Mr. Coffey and he spoke to one another in Hindostanee; you, I presume, do not understand Hindostanee?—I do not; I was present, and the youngest of the Ameer's attendants (I forget his name) speaks English tolerably well, and he translated for me more than Mr. Coffey.

1043. Did he translate for you the conversation that took place upon that occasion?—He translated what occurred between the Ameer and myself, and my answer to the Ameer's request.

1044. I am speaking of the conversation between the Ameer and Mr. Coffey at Frankfort?—That of course Mr. Coffey himself translated; what I said to the Ameer this young man translated.

1045. As to this person, I understand his name was Gholab?—Not Gholab.

1046. What did you say was the name of the attendant who spoke English?—Something like Polah.

1047. *Chairman.*] He is not in England now?—No, he is with the Ameer.

1048. Mr. *Bright.*] Was he able to speak English?—Yes, quite sufficient to make everything understood that he needed.

1049. Mr. Serjeant *Deasy.*] Would you be surprised to hear that the Ameer complained of Mr. Coffey's delaying him on his journey?—I do not think I should be much surprised.

1050. Notwithstanding your thinking that Mr. Coffey was in reality urging him to expedite his journey?—I believe Mr. Coffey was anxious that the Ameer should expedite his journey, but I should not be surprised to hear that the Ameer should make such a complaint.

1051. Tell us your reason?—Because I did not trust him.

1052. You did, of course, I presume, trust Mr. Coffey?—I had no reason to doubt him.

1053. Had you reason to doubt the Ameer?—I saw different things; for instance, expressions that the Ameer used to myself, which made me think that he was not quite sincere in everything he said.

1054. Those expressions, I presume, to you must have been in English?—Yes; but the Ameer's pantomime is perfect, and his English he uses a good deal of when it suits his purpose. I refer to his conduct to the Austrian officers.

1055. Was it his conduct to the Austrian officers which led you to doubt his sincerity?—Yes; because to them he appeared so extremely courteous, and so anxious to give them every information, and to show them every part of his dress, and to show them his sword which he carried, and all that; and when they were engaged in admiring it and paying him compliments, he used to say, "Pig" to me, and rub his hand over the back of his head, showing the manner in which their hair was cut short behind, and all that sort of thing, so that though he could pay compliments, at the same moment he was making those observations to me; I therefore did not think him perfectly sincere in all his compliments.

1056. You therefore would not be surprised at his writing to his agent in England complaining of Mr. Coffey's detaining him on his journey?—I do not know that I should be surprised at that; that was something more serious; but I should be disposed to think that he was not sincere in everything.

1057. Would you doubt the sincerity or the truth of the statement which he made to his own agent respecting his journey?—That depended upon who his agent was.

1058. Will you explain what you mean by that?—From different observations that the Ameer has made to me with regard to the person to whom I think you allude.

Mrs. *E. Parr.*

25 Feb. 1858.

1059. Who is the person that you think I allude to?—I do not know that I am obliged to answer what I think your thoughts are.

1060. Is it Mirza Ali Akbar?—It is.

1061. You think that he would write to Ali Akbar what he really did not think or mean?—I thought that previously to an interview that I lately had with Ali Akbar, and from what he told me then, I was confirmed in my previous opinion. Since my return I have had an interview with Ali Akbar, that confirmed the feeling I had before, and he has told me the Ameer used to tell him falsehoods of Mr. Coffey, and tell Mr. Coffey falsehoods of him; so that it rather convinced me that I was correct in the estimate that I formed of his character.

1062. When was it that that interview with Ali Akbar took place, and where?—On Thursday last, in my own house.

1063. Had he called on you, or had you sent for him?—I sent for him; I had sent for him many times previously when he was out; but my servant found him at home on Wednesday, and he promised to come the following day.

1064. Was it with regard to this petition that you sent for him?—Not in the slightest degree.

1065. What caused you to send for Ali Akbar on Wednesday?—While the Ameer was in England, in the month of March, I fancy, he came to my house accompanied by Mr. Coffey, and through Mr. Coffey ordered an opera box; and he desired me to select the box and arrange about its price.

1066. Was there any dispute?—Since you ask, I will not mind telling you that that box was not paid for. The Ameer accompanied Ali Akbar to my house shortly afterwards, and he and Ali Akbar decided on the box, selected the number, and made their arrangements for the price. That was the only time on which I had ever seen Ali Akbar before. The Ameer did not pay me for the box, nor for a ring which he ordered a short time before he left, and which I had to pay Storr and Mortimer for. In consequence of the Ameer's dispute with Mr. Coffey, I could not expect Mr. Coffey to pay me, and I was anxious to get my money. I therefore requested Ali Akbar to enclose a letter from me to the Ameer; I was afraid if it went in the usual course it would not reach his hand.

1067. Was it then that Ali Akbar told you that the Ameer was in the habit of telling falsehoods to Mr. Coffey of him, and of telling falsehoods to him of Mr. Coffey?—Yes.

1068. What led to that conversation?—My telling him how often I had sent for him, and how anxious I had been to see him. I was at peculiar pecuniary inconvenience at this moment for money; and therefore, if he would take my letter and forward it to the Ameer I should feel extremely obliged. He said I was very prudent in sending for him, as, in consequence of the persons who now surrounded the Ameer, no letter but one that he could send in a peculiar way could possibly reach his hands. That therefore, if I would write my letter in English, he would put a translation in Persian on the opposite side, and enclose it to the Ameer. He then said how sorry he was that Mr. Coffey and he had had such a difference, but that Mr. Coffey and he used to be friends in India in other days; that his wife was in the habit of receiving Mr. Coffey's wife, and all that sort of thing; but since they had been in England, Mr. Butt had told such stories between them that he kept them constantly in hot water; and that I was quite wise in not allowing any letter to fall into the hands of Mr. Butt's relative, who has now got the Ameer in his hands.

1069. That relative, I presume, is Mr. Irwin?—I believe so.

1070. Was that all that passed between you and Ali Akbar on that occasion?—No, a great deal more. I confess to you I did not wish to have any conversation in reference to Mr. Coffey's affairs with Ali Akbar, and two or three times I asked him not to persist in telling me. I told him my only motive in asking him to come was to ask him if he would assist me in getting my money; but he begged I would allow him. I told him anything he said would go back to Mr. Coffey. His answer was, he did not care if Mr. Coffey was behind a curtain which was hanging in the room; and he seemed, from his manner, to suspect that he was there.

1071. Returning to the journey to Paris, you expected to meet the Ameer in Paris?—Yes.

1072. It did so happen that you went on to Trieste?—Yes.

1073. Your

1073. Your son, I suppose, accompanied you to Trieste?—Yes.

1074. You did not place him in any college in Germany?—A college in Austria; but from friends I met, and the arrangements that I made, I thought it better for a short time to go to Italy before my return.

1075. Was that after leaving Trieste?—I merely passed through Trieste on my way to Italy; that was my shortest route.

1076. It was after you left Italy that you placed your son at that college in Austria?—Yes, on my return to Austria.

1077. Your original intention having been to place him somewhere in Dresden?—Yes.

1078. Then afterwards you altered that by going to Vienna?—Yes; Vienna is but two days' journey from Dresden.

1079. You did not find any college at Vienna that would suit you?—I did not expect.

1080. Or the neighbourhood?—Not the immediate neighbourhood.

1081. Where did you ultimately place him?—In Austria.

1082. You said that Sir Hamilton Seymour told you that Mr. Elliott had a very defective memory?—On the contrary, he told me he had an excellent memory.

1083. That he had great trust in his memory?—Yes.

1084. And Mr. Elliott himself was of the same opinion?—Yes.

1085. Your object in going to him, was the simple one of explaining the mistake about your being called Mrs. Coffey?—Not at all. To explain to my friends at home to whom these papers had been shown.

1086. The object was to relieve yourself from an apparent imputation?—Yes.

1087. The only object?—Of course I was glad to have an opportunity of proving what I knew to be correct; that Mr. Coffey had not made the assertion of which I knew he was accused.

1088. You have taken, I believe, an active part, and been anxious that this petition should be proceeded with?—I have not been anxious about the petition at all; on the contrary, I have been extremely anxious that no such thing should ever have occurred as that; I have been anxious that Mr. Vernon Smith or any one else in the world should prevent the necessity of such an *exposé*.

1089. You have given every assistance in your power to Mr. Coffey?—I have given every assistance in my power to Mr. Coffey.

1090. And you were glad to obtain information at the Embassy at Vienna, which would be of use to him?—I was very glad; but understand me, I distinctly told the gentleman from whom I obtained that information that I would use it. I did not receive it secretly to use it against him.

1091. You communicated to Mr. Roebuck what you could tell?—Mr. Roebuck knows everything, I trust; I think so, and I hope so.

1092. Did you tell it yourself to Mr. Roebuck, or to Mr. Coffey?—To Mr. Roebuck himself.

1093. You saw him at his own house?—At his own house, and at my house.

1094. Had not you been previously acquainted with him?—I was introduced to Mr. Roebuck by a friend.

1095. Was it solely with regard to this petition?—Not to the petition solely. With regard to the best mode of defending my honour. I was introduced to him as an honourable man, and one who would feel with me, and as such I asked his assistance.

1096. And you looked to this petition as a means of defending your honour?—As a means of exposing the truth.

1097. And relieving yourself from this apparent imputation?—I sincerely hope so.

1098. Did you see Mr. Roebuck more than once at your house, and once at his?—I have seen him more than that.

1099. How often have you seen Mr. Roebuck with regard to this petition, or as to your evidence?—Perhaps half a dozen times.

1100. You were introduced to him by some friend?—Yes.

1101-2. Was it you who introduced Mr. Coffey?—It was not.

1103. It was not Mr. Coffey who introduced you to Mr. Roebuck?—It was not.

Mrs. *E. Parr.*

25 Feb. 1858.

1104. I have a very painful duty to discharge, and I must discharge it. You say you have been deprived of the protection of your husband?—Yes.

1105. His name is Parr?—Yes.

1106. Are you known by any other name?—Never by any but my own name in my life.

1107. Were you ever known or called by any other name but Parr?—Never but by my own name and my husband's, to my knowledge.

1108. What was your own name?—Ryan.

1109. Are you known now, or addressed as Mrs. Ryan?—Not by any friends in the world.

1110. Not by any?—I do business in the name Ryan and Company, therefore a stranger coming into my house about business might address me as Mrs. Ryan. I should not think it necessary to enter into explanations of my affairs to a stranger.

1111. In whose name is your business conducted?—In my sister's, who assisted me to establish that business.

1112. You are the sole owner of the business now?—Yes; I am the sole person connected with it.

1113. Will you give me an answer to this question; did you ever threaten to publish any memoir or statement respecting any gentleman or gentlemen?—Never in my life.

1114. Did you ever demand or ask from any one any sum of money for suppressing or withholding any publication?—I never in the course of my existence had anything to do, directly or indirectly, with any such transaction.

1115. Were you ever threatened with a prosecution if you persisted in that course?—I was never in my life threatened with anything of the kind.

1116. Nothing of the kind ever occurred?—Nothing of the kind. Since these questions have been asked, perhaps the Committee will permit me to give an explanation: On the first occasion of my unfortunate husband being removed to the lunatic asylum, I had been attending him for six months without ever going to bed, or undressing at night, because I would not believe any physician he was deranged. When it was decided, and he was first removed to a lunatic asylum, I was in a frighful state of health; and I wished to have my children securely placed in the care of those who would take care of them in France. I did not wait, but the moment he was placed in the asylum, I took them the following day to France. I was fearfully ill on my passage, and a lady took charge of my children. On her return she called at my house; she was seen there by a friend who was paying me a morning visit; before he went, he said that she was not a proper acquaintance for me, and I therefore declined, in future, to receive her. The cause he assigned was, that she had once taken an action against a gentleman for breach of promise of marriage. She persisted in coming, time after time. She once sat down in my hall, and said I should see her, and she insisted on my hearing her explanation. That led to her telling me her story, endeavouring to justify herself, and I was foolish enough to tell a Member of Parliament, and a Member of the Government, the story that she told me, and he by some means communicated the matter to Mr. Thomas Holmes, Mr. Coffey's parliamentary agent; this gentleman, on behalf of a person, a friend of his connected with the matter, called at my house, and requested to see me; I declined to receive Mr. Holmes; he called repeatedly; or to have anything whatever to do with the transaction, further than having foolishly warned my friend what this lady told me; I declined her acquaintance at the time, and I declined Mr. Holmes's acquaintance. On Tuesday last, when Mr. Coffey decided that Mr. Holmes was to be his parliamentary agent, I was in the neighbourhood of Westminster, and he begged me to call at his office, and desire him to come and meet him; Mr. Holmes came; and on Tuesday Mr. Coffey, I believe, paid him 10 *l.*, and put his affairs into his hands; that day a telegraph was sent by Mr. Butt to Mr. Coffey's brothers, Tuesday the 16th, telling them that a scandalous petition was in preparation; the following day the petition was signed, and Mr. Butt sent two telegraphs to Mr. Coffey's brothers, entreating them to come and stop it. Mr. Holmes wrote a private letter, without my knowledge, or Mr. Coffey's knowledge, to Mr. Roebuck, requesting Mr. Roebuck to stay proceedings until he heard from him; the instant that I heard of this, I told Mr. Holmes, that as nobody living knew anything of this petition but himself, and Mr. Coffey, and Mr. Roebuck, the

information

information must have come from his office, and he did not attempt to deny it; I consequently imagine that this imputation has come from the same quarter.

1117. I am referring to a transaction that occurred in January 1854?—You are perfectly correct: the transaction that I mean occurred, not in January, but occurred, I think, in October 1854.

1118. Did you upon that occasion tell any one, that any friend of yours would publish a memoir or a history of the life of any gentleman or gentlemen?—Never; the lady or the person to whom I refer, who took the course that I did not consider a proper one in taking an action of that description, when defending herself, wishing to continue my acquaintance, brought to my house a very long paper, which she requested I would read; I did read it, and it was a paper bringing charges against many friends of mine. One of them chanced just then to come in, and I showed the paper to him; he, without any authority or permission from me, named the matter. He was a Member of the Government, and a person whom from that hour to this I have had no communication with; he came to my house again and made every apology for having so imprudently spoken of the paper; but I thought it was so very wrong of him to do so, that I have not been intimate with him since, and he has never been since 1854 to my house in consequence.

1119. Did you tell to that gentleman, or to any other person, that the publication could or would be stopped, if a sum of money were paid?—I did not; I did not know of any such thing, consequently I could not possibly have told it.

1120. I have already stated that the transaction to which I refer occurred on the 24th or 26th of January 1854?—Now, if I answer all these questions, and go into a matter with which I have nothing under heaven to do, and that leaves an imputation upon me, shall I have any means here of bringing witnesses connected with this on my side of the question?

1121. *Chairman.*] The Committee must decide that hereafter; you have denied the particular conversation generally?—Yes.

1122. The name of the person it is alleged you held the conversation with, has not been mentioned to you; the question is about to be put to you, whether you had a conversation with the person whose name is to be mentioned; recollect yourself, and then answer whether, at the time to be mentioned, and at the place to be mentioned, you had, or had not, such a conversation with the person whose name will now be put to you?—

1123. Mr. Serjeant *Deasy.*] Did any person of the name of Hawke call upon you at your own residence with regard to any threatened, or intended publication by you, or any friend of yours?—The gentleman, or the person to whom you allude, did call at my house with regard to that transaction.

1124. You have said, in answer to my question, that this Mr. Hawke did call upon you on the occasion in question?—Yes; and with reference to that matter.

1125. That is with regard to the matter of the publication intended or contemplated by your friend?—I do not know it was in reference to that; it was in regard to it generally. But I think, if you will permit me to tell you what did take place——

1126. First answer my questions, then give any explanation. I wish that the whole matter should come out. Did you, upon that occasion, make any demand, either on your own behalf or that of your friend, of any sum of money from any of the persons referred to, as the consideration for withholding or suppressing any publication?—Never, directly or indirectly, in any way. Mr. Hawke's appearance to me was quite a surprise.

1127. Did not Mr. Hawke upon that occasion threaten or say to you, that if the publication was not destroyed, you or your friend should be prosecuted?—My friend she was not; I never met the lady in question in the course of my existence but three times.

1128. Did not the person referred to say that you or she, or both of you, should be prosecuted?—Not both of us, nor me in any way. He told me of the course about to be adopted, and I thought it a very proper one by the parties alluded to; I thought it a perfectly proper one. I have had no communication, directly or indirectly, with the woman alluded to since I met her on board the steamer; she took charge of my children; and on her return from France a

Mrs. *E. Parr.*

25 Feb. 1858.

fortnight afterwards, she called at my house; a gentleman met her there, and mentioned to me that in my position she was not a proper acquaintance, as she had taken an action for breach of promise of marriage against a gentleman; but that there was nothing in the case against her character, or at the trial it would most likely have come out and she would not have obtained damages. I knew nothing of her, and I did not wish to receive her, and consequently declined to receive her again. She continued to come, and at length sat down in the hall and said she would not leave till I saw her. I was obliged to tell her the cause of my refusing to see her, that I could not do so on this account. She then requested I would read a paper which she left; and this gentleman was referred to in that paper I spoke of, and he called at my house just after she left the paper. I showed it to him the following evening. This gentleman called, not from him, but from a friend of his, to whom he had either shown the paper or told the circumstance. But I believe he is a man of high honour and distinction; and I have not the least doubt he will tell the Committee to-morrow everything connected with the transaction.

1129. Did she leave that document with you?—She did; it was a very long document. I had no time at the time to read it. She left it with me, and it has been since returned to her, not by me; returned by a gentleman.

1130. As I understand you, upon that same evening, upon that occasion, the person to whom I refer did call upon you?—Not at all, not the person to whom you refer. He called on the following Tuesday evening.

1131. The friend who desired you to avoid her society?—Not at all; you quite misunderstand. This breach of promise business involved a solictor, a barrister, a gentleman at the bar who had undertaken her case against this man. She was bringing this paper for a large fee that she had paid him, it seemed, as she showed it to me. The gentleman who came in knew the barrister referred to. I was fool enough to show it to him and he, without my knowledge or permission, showed it to the barrister, whom I did not know then, and do not know now. I do not know anything in the world about him. I knew he was a friend of my friend who called at my house. Mr. Hawke called, upon the part of the barrister, the following evening, to give an explanation for him. I was not alone, fortunately, but another person was in the room during our entire conversation, who can be also called to-morrow.

1132. As I understand, your friend took away the manuscript?—I think he did; I paid no attention to it; it was in October or November 1853.

1133. He took it away without your permission?—Yes, and showed it to the barrister without my knowledge.

1134. Did you read it?—I had read it; it was in consequence of having read it that I showed it to him.

1135. Was it defamatory?—Most decidedly; it was a most infamous document, bringing in the names of some of the first people in England; conversations she alleged to have had with this barrister, and things he had told her.

1136. Did she make any offer or statement?—Not the slightest to me on the subject of money; she had paid this gentleman, as a fee, 350 guineas, and a firm of solicitors had procured for her back from him again, 200 guineas.

1137. She wanted to get back the remainder?—I do not know what her motive was.

1138. Did she tell you what her motive was, in preparing the statement?—Vengeance, I fancy.

1139. Did she say she was about to publish it, or would publish it?—She did.

1140. That, you say, occurred in November 1854?—In October or November 1853, but I have a very bad memory for dates. It is merely from the circumstance of my having crossed to France that I recollect it.

1141. How soon after did Mr. Hawke call upon you?—The very next evening.

1142. Did he state to you, on whose behalf he had come?—On behalf of the barrister.

1143. That got the 350 guinea fee?—I have never seen the barrister; I do not know him. It was the first intimation I had, that he had heard anything about it: I was not aware that this gentleman, my friend, had shown it to him.

1144. He was the person who got the 350 guinea fee, upon whom she wished to wreak vengeance by means of this publication?—Yes.

1145. Had

1145. Had you that document when Mr. Hawke called?—No; that I could not be positive about.

1146. I wish you would try and recal the circumstances to your recollection; had you that document in your possession when Mr. Hawke called?—I can bring a witness to-morrow who——

1147. I am asking your recollection?—My recollection now, as well as I recollect, is that when the gentleman to whom I showed that document, returned it to me, he told me it was an improper document for me to have in my possession; and either that night, or the following morning, the brother of the lady who resides with me, took it back, and delivered it into this woman's hands; I did not wish to have any personal communication with her.

1148. According to the best of your recollection, had you that document in your possession or in your house when Mr. Hawke called?—I should think not.

1149. Are you sure?—I think I might almost say I am positive I had not; I do not think I would permit it, after what I heard from this gentleman, to remain in my house.

1150. What is your recollection?—My recollection, if I spoke positively, is that it was returned on the evening before, or the morning after.

1151. Of the day that Mr. Hawke called?—Yes.

1152. Do you remember whether Mr. Hawke remained any length of time?—I should hope from the courtesy and honour of Englishmen, and the feeling of the gentlemen present, that I shall not be permitted to answer questions when I can so easily, by the testimony of a Member of Parliament who can be called, prove that what is insinuated is untrue. I hope if I am obliged to answer these questions, at least I may be able to produce this gentleman to-morrow; the gentleman to whom I showed the paper at all events.

1153. I ask you again, did you upon that occasion go yourself to any gentleman with reference to that publication?—I never in the course of my life went to any one; the name had better be given if you please.

1154. Did you yourself wait upon, or call upon, or see Mr. Edwin James with regard to that publication?—Never in the course of my life; I never saw Mr. Edwin James in the course of my life to my knowledge; I never called upon him in my life; I never had any communication, directly or indirectly, in any way whatever with him; I gave it up; I believe it was Mr. Hawke, who called upon me, said he came from Mr. Edwin James.

1155. Mr. *Roebuck.*] Was Mr. Edwin James, the barrister, implicated?—Yes, he was implicated; I have not brought his name out; be good enough to recollect that.

1156. Mr. Serjeant *Deasy.*] Are you acquainted with Mrs. Coffey?—Yes.

1157. Have you frequently seen her?—Yes, frequently.

1158. Do you remember seeing her on any recent occasion?—Yes.

1159. Did she call at your house?—Yes.

1160. Did she call there to ask for anybody?—To ask if Mr. Coffey was there.

1161. Did you see her then?—I saw her.

1162. Was he staying there at that time?—He never was staying at my house in his life.

1163. Was he at the house?—He was not at the house.

1164. Did you, upon that occasion, threaten to give her in charge of the police?—Mrs. Coffey continued to ring my bell, and to make a noise, and I told her if she would not come upstairs, I should be compelled to do that which was extremely disagreeable.

1165. She was looking for her husband?—She had asked for him.

1166. *Chairman.*] In your conversations with Mr. Butt (you have mentioned several), did Mr. Butt ever mention to you any money arrangement between him and the Ameer?—Never.

1167. That subject was never mentioned by Mr. Butt to you?—Never, further than Mr. Butt telling me, that when he returned from India he would be a rich man; he would make a vast deal of money from these Indian princes, whose cases he would advocate when he returned.

1168. That was money to be made when he contemplated going to India?—Money to be made out of the cases of these Indian princes, which he would

Mrs. *E. Parr.*

25 Feb. 1858.

advocate when he returned; having succeeded so well in the case of Ali Moorad, others would apply to him.

1169. Did he say how he had succeeded in the case of Ali Moorad?—He told me of a despatch Mr. Vernon Smith had promised to write, authorising the restitution of whatever the Ameer wanted; I do not know the exact terms; and that he was anxious to decide in his own mind whether he would have the case pursued by Sir FitzRoy Kelly, and the lawyers who had it in hand, or contest it in Parliament, or make a compromise, and accept what was offered.

1170. Mr. Butt did mention Parliament to you?—Oh yes.

1171. Can you recollect what was his mention of Parliament with regard to the case of Ali Moorad?—He was undecided whether to have Sir FitzRoy Kelly and the lawyers to go for the whole of what Ali Moorad claimed, or to accept the compromise which was offered to him through Mr. Vernon Smith.

1172. He told you that Mr. Vernon Smith, upon the part of the Government, had offered a compromise?—Yes.

1173. How was Sir FitzRoy Kelly to be employed; in the courts or in Parliament?—In the courts; he had been employed in the courts, and had been consulted, as a legal adviser, as I understood before.

1174. As I understand you, the question was, whether the suit should be pursued in the courts, Sir FitzRoy Kelly being employed; or whether Mr. Butt should negotiate for the compromise with the Board of Control?—Yes.

1175. You have said that there was a mention of Parliament; now recollect yourself; as well as you can remember, what did Mr. Butt say about Parliament?—As well as I can recollect, at least I understood him perfectly as to the meaning (I cannot recollect as to the words), it was that when Mr. Butt returned from India, by the same means that he had obtained the Ameer's lands, &c., he would be able to get the lands and moneys of other princes, who were suffering in the same way, through his exertions, which I believed were altogether confined to the House of Commons. I was not aware that he had ever been employed as a legal adviser; but I heard of Mr. Hunt, Mr. Karslake, Sir FitzRoy Kelly, on various occasions.

1176. Did not Mr. Butt tell you that he had negotiated with Mr. Vernon Smith on behalf of the Ameer?—Yes; I had seen letters from Mr. Vernon Smith, or a letter from Mr. Vernon Smith, to Mr. Butt.

1177. Did Mr. Butt say that his success was in the offices of the Government, and not in Parliament, or did Mr. Butt mention to you that Parliament was brought to bear upon it; did he mention that in any way to you?—I understood Mr. Butt's power was with Mr. Vernon Smith.

1178. I asked what Mr. Butt said relative to Parliament?—I understood that Mr. Butt was speaking to me as a Member of Parliament, and a man who had power with the Government in consequence of his position.

1179. That was your understanding: did Mr. Butt say anything in that way?—I do not think he did. May I have a letter read (it is very short), that that I received from Mr. Butt on Saturday? I called on Mr. Butt the moment I knew of his arrival in town, and showed him Sir Hamilton Seymour's letter and Mr. Elliott's letter. He was good enough to express a vast deal of regret, and to give me that letter, at the same time assuring me that I could not see the paper to which it referred (Mr. Elliott's paper), which I never had seen, as it was in Ireland; but he gave me his word of honour, in the presence of a witness, that it never should be used against me again now that he understood it was an error. On the following Thursday evening he called on a gentleman, and he showed that paper to him, one of my best friends, to prejudice him against me.

1180. Did you, in your conversation with Mr. Elliott in Vienna, when he called upon you, and came into your room, the Ameer being below, mention that Sir Alexander Cockburn had given any opinion upon this matter?—No, he never did, and I never said so. I mentioned Sir Alexander Cockburn's name along with the Duke of Wellington's, and other people's.

1181. If Mr. Elliott says that twice over in that conversation, you stated that Sir Alexander Cockburn had twice given an opinion, that permitting the the Ameer to return to India was absolute madness, that statement is not true?—Most decidedly not true at all; he never expressed such an opinion. I

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am quite sure he never felt it; he rather liked the Ameer. I might have mentioned that from what he had seen of him. Mrs. E. Parr. 25 Feb. 1858.

1182. I ask the fact?—No.

1183. I tell you that Mr. Henry Elliott has pledged himself that in that conversation you twice stated that Sir Alexander Cockburn had expressed that opinion: do you deliberately say that that statement of Mr. Elliott's is untrue?—I say it is incorrect: and Mr. Elliott has since acknowledged to me that he may have been mistaken, in the letter which I showed you this morning.

[*A letter signed "Isaac Butt," addressed to Mrs. Parr, and dated London, February 13th, 1858, was read.*] *Vide* Appendix.

1184. Mr. Serjeant *Kinglake.*] I have here a memorandum of Mr. Elliott with regard to a conversation which he says took place at Vienna; I will call your attention to this; he is speaking of a conversation with Mr. Coffey in your presence, and he says, "I then asked him plainly whether he believed that the Prince intended to join the insurgents; to which he replied, nearly in the following words, 'I don't say that I believe him to have come to any such determination; but you know what these Asiatics are. The Prince considers himself (and with undoubted reason) to have been very ill used by the British Government or the East India Company; and my belief is, that on arriving in Scinde he will join whichever party he considers the strongest;'" do you contradict those words?—Certainly.

1185. Did you hear anything from Mr. Coffey which could directly or indirectly bear that meaning?—I did not.

1186. "Mr. Coffey concluded by offering to detain the Ameer, if he received any hint that such a proceeding would be considered desirable, and he even undertook to carry him back to England, if it should be thought best." Did you hear any words similar to those?—No; Mr. Coffey did say, that if it were requisite he would detain the Ameer.

1187. Did he say he would carry him back to England?—No; the Ameer wished to remain; but that he would remain for the answer to the telegram.

1188. Did you hear these words, "Mr. Coffey concluded by offering to detain the Ameer, if he received any hint that such a proceeding would be considered desirable; and he even undertook to carry him back to England if it should be thought best"?—I did not hear that said, but I heard Mr. Coffey say, that if it was desirable, the Ameer would wait for an answer to the telegram, which should have been sent as the previous day.

1189. I understand you to contradict these words: "My belief is that on arriving in Scinde he will join whichever party he considers the strongest"?—I never heard them.

1190. And you were present at the time?—I do not think any conversation did occur that I did not hear. We were only four.

Mr. *John Saunders,* called in; and Examined.

1191. *Chairman.*] WHAT are you?—A Cashier of the London Joint Stock Bank. Mr. J. Saunders.

1192. Do you know Mr. Butt?—No.

1193. Mr. *Roebuck.*] Do you recollect a cheque drawn in favour of Ameer Ali Moorad Khan being presented to your bank?—I recollect paying a cheque of a certain amount.

1194. £. 1,199?—Yes.

1195. Do you recollect the date?—Yes.

1196. Do you know by whom it was presented?—No.

1197. Do you know the numbers of the notes?—I can give the numbers of the notes paid for that cheque.

1198. Will you give them?—36,226, 1,000 *l.*; 82,171, 500 *l.*; 99,072, 300 *l.*; 64,061, 100 *l.*; 80,705, 50 *l.*; 58,703, 20 *l.*; 59,097, 20 *l.*; 49,800, 5 *l.*, and 4 *l.* in money.

1199. *Chairman.*] Was the cheque crossed?—No, it would not be crossed.

1200. You do not know the person who presented it?—No.

Veneris, 26° *die Februarii*, 1858.

MEMBERS PRESENT.

Mr. Bouverie.	Mr. Serjeant Kinglake.
Mr. Bright.	Colonel Wilson Patten.
General Codrington.	
Sir James Graham.	Mr. Serjeant Deasy.
Mr. Sidney Herbert.	Mr. Roebuck.

THE RIGHT HON. SIR J. R. G. GRAHAM, BART., IN THE CHAIR.

Sir *James Weir Hogg*, Bart., called in; and Examined.

Sir *J. W. Hogg*, Bart.

26 Feb. 1858.

1201. Mr. *Roebuck*.] WHAT position do you hold in the East India Company?—I am a Director.

1202. And I think have been Chairman?—I have been twice Chairman.

1203. During the time you were Chairman of the East India Company had you any correspondence with Mr. Butt on the subject of Ali Moorad?—None.

1204. Have the Board of Directors, since you have been a member of the Board, had any communication with Mr. Butt upon the subject of Ali Moorad?—You mean the Board of Directors collectively?

1205. Yes.—I do not think that any letter was ever addressed by Mr. Butt to the Court of Directors.

1206. Are you at all cognisant of any letters directed by him to any member of the Board?—I think he wrote, but I am not sure; I think he wrote to the Chairman.

1207. To which Chairman?—The present Chairman, Mr. Mangles.

1208. Mr. *Bright*.] Are you not sure?—No.

1209. Mr. *Roebuck*.] Had you any personal communication with Mr. Butt at all?—Yes, I had once.

1210. When was that?—I think it was towards the end of July.

1211. In 1857 or 1856?—1857.

1212. Can you tell us the substance of that communication?—Yes, I can tell the purport of the communication. Mr. Butt urged the propriety of having a compromise with Meer Ali Moorad. He urged it on the grounds of justice, pointing out that, in his opinion, the evidence was insufficient, and pressed it further on the grounds of expediency, suggesting that it would not be agreeable to him to have to bring forward the subject in the House of Commons, and that it might not be agreeable to the Directors to have their acts assailed in the House of Commons. I think he brought with him a memorial of Ali Moorad, and I told him generally that I considered it my duty to read any papers that he might give me, and to hear anything that he said; but that in private I should rather not discuss the merits of the question. He spoke generally as to his own views with regard to the merits of the case; and the purport of his communication was this: "I do not urge the Court of Directors to rescind the orders they have given; but would it not be well, without rescinding those orders, to make some communication to the Commissioner at Scinde to consider the claims of Ali Moorad favourably?" I said, "Why, you do not suppose the Court of Directors could give any intimation to the Commissioner that was at all at variance with their public instructions?" He said he had no such intention whatever; that he only meant to say that he did not urge the rescinding of the orders, or a declaration that Ali Moorad was innocent, but leaving that question as it was, he thought that some such intimation might be given to the Commissioner of Scinde. The purport of my communication, from beginning to end, was that I should hear all he had

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Sir *J. W. Hogg*, Bart.

26 Feb. 1858.

to say, consider all he had to say, read any papers that he might think proper to give me, but that I could not discuss in private the merits of the question. I cannot speak with certainty, but I think it must have been in July; and I think so with reference to the date of the communications of the Court. I ought to say that Mr Butt also said and urged very strongly upon me, "Well, whatever your opinion is, I hope you will see the necessity of giving a very early consideration to the memorial of Ali Moorad, otherwise we may lose the Session, and not have an opportunity of bringing it forward before the House of Commons."

1213. Mr. *Bright*.] Was that in 1856 or 1857?—1857; and upon that I said that I thought that request perfectly fair and reasonable; that it was the duty of the Court of Directors to determine it immediately, so that he (Mr. Butt) might not lose the opportunity of bringing the subject before the House of Commons in that Session, if he wished it. I told him that I should speak to the Chairman and mention it in Court; and the very next court day I did mention to the Court the expediency of having the determination very speedily made, seeing that it might be open to misconstruction if there was any delay.

1214. In what character did Mr. Butt seek an interview with you?—I do not exactly understand the question.

1215. I do not like to put it in specific terms; in what character did he appear before you; was it as the agent of Ali Moorad?—I considered Mr. Butt as a Member of Parliament, who came to intimate to me some subject-matter that was likely to come before the House of Commons, and suggesting that the necessity of bringing it before the House of Commons might be avoided by some medium course.

1216. So that Mr. Butt sought that interview, and was at that interview in the character of a Member of the House of Commons?—Well, it is impossible for me to say what was in Mr. Butt's mind, but I considered that Mr. Butt called upon me as a gentleman in the House of Commons, who had taken up the case of a person he thought had been injured. He told me that his attention had been drawn to this case of Meer Ali Moorad; that he had very diligently inquired into it, and that he thought the man had been hardly used, and that the decision of the Government and of the Court was not correct. He spoke strongly of his own feeling as to the injustice that had been done towards Meer Ali Moorad, and said that, influenced by a strong sense of the injustice which he supposed had been done to him, he would certainly bring the matter before the House of Commons, unless the Court of Directors would in some way mitigate the sentence; and more especially, suggested that instructions should be given to the Commissioner to consider the matter favourably.

1217. So that he held out to you, as an alternative, that if the Board of Directors did not do what he thought right, he should bring the matter before the House of Commons?—Well, the question implies a kind of threat. I do not wish to say that the conversation with Mr. Butt was at all addressed to me in the language of threat; but he did state to me, that he thought the man had been very unjustly used, and that it was his intention to bring the matter before the House of Commons, and suggested that the necessity of that course might be avoided by the Directors considering his memorial, and either mitigating the matter or referring it to the Commissioner at Scinde. I need not state what he said with regard to the merits, because I only listened to what he said, but did not enter myself upon the discussion.

1218. Upon your making that communication to the Board of Directors, did they take into consideration the case of Ali Moorad?—They did.

1219. And what was the result?—The result was that, as far as regards the Court of Directors, they determined, as the home authorities, both the Court of Directors and the Board of Control, had always hitherto done, to adhere to the former decision; that is to say, such was the opinion of the Court of Directors. The Committee are aware that any decision of the Court of Directors is subject to the orders of the President of the Board of Control, and the President of the Board of Control seemed disposed in favour of referring the matter to the Commissioner of Scinde. I ought to say, that in the communication with Mr. Butt he intimated to me that if the Court of Directors would adopt the course that he suggested, of a reference to the Commissioner

Sir *J. W. Hogg*, Bart.

26 Feb. 1858.

sioner of Scinde, he had reason to think that the President of the Board of Control would support that view.

1220. Did the President of the Board of Control take any steps by which he declared his opinion upon that matter to the Court of Directors?—As the opinions of the Court of Directors and the views of the Board of Control would best be shown by the official communications as prepared by the Court, with the alterations made by the Board of Control, I would rather that the Committee would take these opinions from the written documents than from any oral evidence from me. I will mention the dates and the character of the communications, that the Committee may more fully understand them.

1221. Mr. *Bright.*] Are we going to have the papers that have passed between the Board of Control and the Court of Directors?—Some; but the first despatch connected with the subject of Ali Moorad Khan was in January 1857; that despatch was approved of by the Board, and there was then no diversity of opinion.

1222. Is Mr. Butt's name mentioned in any of those papers which you hold in your hand?—Not in the slightest degree; it is simply a decision as to the case of Ali Moorad. These papers show any difference of opinion between the Court and the Board, but there is no reference, direct or indirect, to Mr. Butt. Mr. Roebuck asked me to state orally, but I would rather not state the opinions of the Board, or the opinions of the Court of Directors, myself individually, when their opinions are in writing officially, and in my hand.

1223. Mr. *Bouverie.*] I understand that that is the despatch from the Directors to Scinde or to India, which was submitted to the Board of Control for their approbation?—Yes; these papers show the official documents as prepared by the Court of Directors with the alterations made by the Board. With reference to one in particular, it gives the despatch as prepared by the Court of Directors; it gives the alterations as made by the Board; it gives the remonstrance made by the Court of Directors against those alterations; it gives the reasons of the President of the Board for refusing to acquiesce in the views of the Court of Directors, and then gives the despatch as ultimately sent, in obedience to the President of the Board of Control.

1224. *Chairman.*] What is the date of that first draft despatch?—The first despatch was in January 1857.

1225. Mr. *Bright.*] January what day?—The 7th of January 1857. I think this was the despatch with regard to a petition from Ali Moorad to Her Majesty.

1226. *Chairman.*] The first despatch is in January 1857, long prior to your conversation therefore with Mr. Butt. Is there any variation in the decision with respect to this matter as contained in a despatch of 1857, subsequent to the conversation with Mr. Butt in July?—Do you mean in the despatch as ultimately sent by the order of the President of the Board of Control, or in the despatch as first prepared by the Court of Directors?

1227. You were about to give us the first despatch of 1857, prior to the communication with Mr. Butt?—Yes.

1228. I want to know if there is any despatch framed by the Court of Directors after your communication immediately subsequent to your conversation with Mr. Butt, when he said that if there were no compromise made, a motion in Parliament would be made before the end of the Session?—Yes, the despatch subsequent to that conversation is different from that in January 1857.

1229. What is the date of that draft despatch in which there is a variance?—In August.

1230. What day in August?—When the Court of Directors settle a despatch it has not a date, because it is only then a draft; it is no actual despatch till it is either altered or confirmed by the Board; therefore, the copy in my hand has no date. I can, however, by reference nearly fix the date. The remonstrance of the Directors against the alterations made in the draft bears date the 12th, and the draft was probably sent to the Board a week before.

1231. I wish to know whether that date is prior to the end of the Session of 1857?—Yes.

1232. And you state that Mr. Butt told you that, if there were no compromise effected, it would be his duty to make a motion before the end of the Session?—Yes; and pressed me very reasonably that there should be no delay, otherwise

otherwise that he should not have time to bring the case before the House of Commons before the end of the Session. Sir J. W. Hogg, Bart. 26 Feb. 1858.

1233. In consequence of that communication from Mr. Butt, Parliament being then sitting, you brought the matter under the attention of the Directors specially?—I stated that specially to the Court of Directors; and the Chairman at the time said that he had had also a request from Mr. Butt that there might be no delay, and accordingly there was no delay.

1234-5. Was the ground of that pressure Parliament being still sitting?—Yes.

The Witness was directed to withdraw.

After some time the Witness was again called in.

Chairman.] The Committee have decided that they will not receive the documentary evidence at present.

1236. Mr. *Roebuck.*] The suggestions for a despatch were sent to the Board of Control by the Court of Directors?—The despatch disposing of the memorial presented by Meer Ali Moorad was prepared in the usual course, and passed the Court of Directors.

1237. Did that despatch materially differ from the despatch drawn before upon that question by the Board of Directors?—The Committee must allow me to speak of the purport. The despatch, as prepared by the Court of Directors themselves, in reply to the memorial of Ali Moorad, was the same as the despatch of the preceding January; that is, as prepared by the Court of Directors. I do not speak of the ultimate despatch.

1238. In the despatch that was drawn in January, the Board of Control entirely concurred?—Yes.

1239. The Board of Control did not concur in the despatch that you prepared and sent to the Board of Control in August?—No; they made alterations.

1240. And was a despatch in accordance with the alterations made by the Board of Control sent to India?—Yes.

1241. To whom?—When I used the word "despatch," with regard to the memorial, it was perhaps incorrect; I ought to have said "letter," because it was a letter addressed to Ali Moorad himself; and the letter, as altered by the Board of Control, was sent to Ali Moorad.

1242. Can you give the date when the letter was sent to Ali Moorad?—The 19th of August 1857.

1243. Was there any despatch sent to India to the same purport as the letter to Ali Moorad?—All the documents that I have with me relate to the memorial preferred by Ali Moorad in this country to the Court of Directors; and these documents are either the replies sent to Ali Moorad, or discussions respecting them. I cannot, without reference, state whether a despatch was or was not sent to the Bombay Government on the subject.

1244. Was the substance of the alterations made in the proposal of the Court of Directors equivalent to that compromise suggested by Mr. Butt?—That requires me to interpret the meaning of the President of the Board of Control. Partially it is to the same purpose as Mr. Butt's suggestion, but not quite to the same extent.

1245. That was in favour of Ali Moorad; it put him in a better position than he was before that despatch or letter was written?—It suggested to him a hope of partially accomplishing his object, if, on his return to India, his conduct was good and was approved of by the Commissioner. In such case, it suggested to him a hope of having his appeal attended to.

1246. And that alteration, so favourable to Ali Moorad, came from the Board of Control?—Yes.

1247. Mr. Serjeant *Deasy.*] You have spoken of a memorial or a petition to the Queen, to which an answer had been given, I think, in January 1857?—Yes; the despatch of the 7th of January 1857 had reference to a petition addressed to Her Majesty.

1248. Can you fix the date of the presentation of the petition to Her Majesty?—No, I cannot.

1249. Can you tell whether the prayer of that petition was not for the restoration of all the lands of which the Ameer had been deprived?—I cannot speak of the contents of that petition.

Sir *J. W. Hogg*, Bart.

26 Feb. 1858.

1250. There was a second memorial, which I think you said was addressed to the Committee or to the Directors, and not to the Queen?—Yes.

1251. Have you any means of fixing the date of that second memorial to the Directors?—I have the means, and can send for the memorial. I should think, speaking from recollection, it must have been in June or July 1857; but I do not venture to speak with accuracy.

1252. Can you tell the Committee whether the prayer of that memorial was not for the restoration of what have been called the hereditary or turban lands?—I cannot state the prayer of the memorial; if I had been aware that these questions would be asked, I should have brought the memorial with me.

1253. I come now to the conversation or interview which Mr. Butt had with you; you have stated that he suggested the justice and propriety of making some compromise of the claims of Ali Moorad?—Yes.

1254. Can you tell what were the terms of the compromise, or the substance of it; was not it that the Ameer should be content with the restoration of the turban or hereditary lands?—I stated that Mr. Butt stated to me generally his views; and he dwelt particularly on the subject of the turban lands, and urged his view that it was unfair to deprive him of the turban lands, because he alleged that he would have been entitled to the turban lands irrespective of anything else, and that he would have had them by descent.

1255. The Ameer had been awarded the turban lands, I think, by Sir Charles Napier?—Yes.

1256. As his hereditary property?—Yes; he dwelt upon the deprivation of the turban lands as one of the prominent acts of injustice.

1257. You have not fixed precisely the date of that interview?—I have not. I merely fix the date of that interview by reference to the 19th of August, the time when I see the discussion and remonstrance was made.

1258. It must have been, of course, before that?—It must have been before that.

1259. You cannot tell how long before that?—I cannot tell how long before that; I think it must have been in July. I will not say it might not have been the end of June.

1260. It was some time after that memorial to the Directors had been presented, was it not?—My recollection is that Mr. Butt brought with him a copy of the memorial.

1261. At that time the Government and Directors had received news of the mutiny in India?—They had; they received the first news of the mutiny towards the close of June.

1262. Mr. Butt urged, you said, I think, his views as to the justice of the claims?—He did.

1263. Was not his object to obtain from the Directors an early decision, a prompt decision?—Yes, one of his objects.

1264. Do you recollect Mr. Butt saying to you at that interview that other persons had advised the Ameer to bring the matter before Parliament, but that he had taken it upon himself to recommend the course which had been pursued?—I cannot exactly say that I recollect that, but he did state repeatedly that it was his desire to avoid the necessity of raising the question in Parliament, and he stated that he himself was reluctant to raise the question, alleging that perhaps the Court of Directors would also be reluctant to have their acts assailed in Parliament.

1265. Mr. *Bright.*] May I ask whether you saw Mr. Butt with regard to this matter more than once about that time?—I only saw Mr. Butt upon the occasion I have mentioned, and once after, and I think on the very day when the decision took place at the India House. Mr. Butt met me in the street and said, "Well, I hope that the Court of Directors are not going to delay their decision." I assured him that I had done my best to expedite the matter, and I told him that that day the Court of Directors had decided, and said, "I do not hesitate to tell you that that decision is unfavourable; the Court have adhered, as they have always done, to their first decision; but that, of course, is only the decision of the Court of Directors, and you cannot receive it officially until the matter has been submitted to the Board of Control." That was on meeting Mr. Butt casually in the street.

1266. Did

1266. Did you see at the India House or elsewhere, or have any conversation on this matter with any other Member of the House of Commons besides Mr. Butt?—Not to my recollection, except the Members of the Court who are in the House of Commons.

1267. Not with Sir FitzRoy Kelly or any other lawyer in the House; have you any clear recollection of it respecting this case?—Not to my recollection.

1268. Is it a very uncommon thing for Members of the House of Commons to interfere in cases arising out of business in India, or with matters before the Court of Directors?—It is not a very frequent occurrence; but there are many instances in which Members of the House of Commons have interested themselves for individuals, alleging that they were aggrieved, and bringing their case before the House of Commons.

1269. Is it not a fact, that at present there is no tribunal in India before which cases of this nature can be tried satisfactorily to both parties?—In my opinion, the Government of India is a satisfactory tribunal.

1270. But is it not a fact that the Court of Directors and the Board of Control have been on many occasions entreated by Members of Parliament to take up cases of this nature, and to alter or modify their decisions, in cases where justice is supposed not to have been done?—You state the "Court of Directors," which means the Court collectively. I am not aware that at any time any Member of the House of Commons ever addressed the Court of Directors collectively. That Members of the House of Commons may have spoken to individual Directors I have no doubt.

1271. Is it not a fact that the late Mr. Hume, for example, frequently was at the India House with a view to obtain the consent of the Court of Directors to measures, of more or less importance, which he thought necessary, with regard to persons who felt themselves aggrieved by something that had been done in India?—I do not think that Mr. Hume ever came to me at the India House.

1272. I do not want to commit anybody to anything?—I am really not able to speak to conversations that Mr. Hume may have had with other Directors at the India House. I can speak, as regards myself, that he often spoke to me on the Sattara case. I have not a recollection at this moment of his having spoken to me except on the Sattara case.

1273. And on cases of the same nature as that of the Rajah of Sattara?—Yes, I have no doubt he often spoke to many Directors.

1274. In the despatch which went to India, you state that there was a condition, that if the Ameer's conduct was good, the object of the despatch was to hold out to him a hope of relief?—That was the purport.

1275. And therefore the modification which was ultimately made in the despatch had that condition attached to it?—Yes; it suggested his return, and suggested his entitling himself to consideration by good conduct; something to that purport.

1276. When Mr. Butt had that principal conversation with you, I think you said it was after the news of the Indian revolt had reached this country?—It was; I believe so.

1277. Did Mr. Butt suggest to you, that, under the circumstances then prevailing in India, it might be a judicious act to leave as little irritation as possible on the mind of the Ameer and of those who might hear of the determination of his case. Did he suggest anything of that kind in the conversation as one of the motives that might lead you to reconsider his case, and perhaps to modify your decision?—No, I have no recollection of that; but I think it highly probable that, when he adverted to the inexpediency of the discussion, he adverted generally to the mutiny. But I am quite sure that he did not distinctly advert to the bad consequences with regard to the feeling of Ali Moorad himself, or the influence which it might have upon others, because if he had made such a suggestion as that, it would have induced me to express an opinion, which I should have remembered.

1278. Did he intimate that, under the circumstances then existing, the less of discussion in matters of this nature that there was in Parliament the better, in order to avoid topics that might irritate in connexion with Indian affairs?—No; Mr. Butt confined himself to generalities; as to the inexpediency. If this

Sir *J. W. Hogg*, Bart.

26 Feb. 1858.

special matter had been strongly suggested, it would have induced an expression of opinion from myself, which I am sure I should recollect.

1279. *Chairman.*] By whom was the memorial to the Court of Directors signed that was presented in June or July 1857?—It is a memorial from Ali Moorad; but without looking at the memorial, its direct mode of signature I should not like to speak to.

1280. Mr. Butt had no part, so far as you are aware, in the presentation of that memorial?—Not that I am aware of.

1281. Who sought the first interview between you and Mr. Butt; was it casual, or was it sought by Mr. Butt?—As well as I recollect, Mr. Butt called at my house, and not finding me at home he wrote a note, either making an appointment himself, subject to my convenience, or asking me to make an appointment when I could see him.

1282. The first interview was sought by Mr. Butt, and are you sure that Parliament was then sitting?—Quite certain, because one of the objects of his visit was to press me to get the matter expedited, in order that he might bring the question before Parliament, and that he might not lose the Session.

1283. You used the expression that Mr. Butt said he hoped it might not be necessary to make a motion; on what did that necessity, according to his statement, depend?—Why, of course, upon the Court of Directors adopting his suggested compromise, that, without rescinding our own orders, we should instruct the Commissioner to consider the case of Ali Moorad favourably, Mr. Butt said, "That is not rescinding your orders, and I should not press for more;" and he did, more especially, say that he thought there might be a suggestion to the Commissioner respecting the turban lands, seeing that at all events he was entitled of right to them, and he dwelt more particularly upon them.

1284. Are we to understand that Mr. Butt gave to you, in that conversation, the outlines of a compromise that would avert the necessity of his making a motion before the end of the Session?—Yes, generally.

1285. Mr. *Roebuck.*] You have been asked if Members of the House of Commons do not frequently interest themselves on behalf of persons in India, whom they suppose to have received injustice from the Board of Directors?—I have said, not with the Board collectively, but frequently with individual Directors.

1286. Now, if persons, not being Members of Parliament, should so interest themselves and seek interviews, would they receive readily the same attention that a Member of Parliament would receive?—Yes, I can say, for myself, that if any one came to me on behalf of any person who supposed himself to be aggrieved, I should consider it my duty to see him, and to hear what he had to say. My answer invariably is, "I shall read any paper, and shall hear anything you have got to say, but I will say nothing of my ultimate decision; but I assure you that all that you say, and all the papers that you may give me, shall have my full consideration."

1287. Mr. *Bouverie.*] What is the date of the meeting of the Court of Directors at which they decided upon the memorial of the Ameer?—I have just mentioned that the copy I brought with me has no date, because the date is not given till it becomes an official document, after receiving the sanction of the Board of Control; but the remonstrance is dated the 12th August, and the draft was probably settled a week before.

1288. Was that the date of the meeting of the Court of Directors, after which you met Mr. Butt in the street, and told him that they had decided against the Ameer?—Yes.

1289. *Chairman.*] The 12th of August is the date of the previous communication?—The previous communication is a different stage from any of the stages to which I have adverted.

1290. Is it a later stage?—No; the previous communication is the first stage of all, when the Chairman takes a view of any subject, and submits it to the President.

1291. Can you fix the date of your bringing the subject forward under the consideration of the Court of Directors after that interview with you which was sought by Mr. Butt?—I individually, not being Chairman, had not the power to initiate; that rests with the Chairman; but it was early in August.

1292. But from your recollection was Parliament still sitting when that first step

step was taken by the Court of Directors?—I cannot have any doubt about the matter. I do not remember now when was the end of the Session of Parliament. Sir J. W. Hogg, Bart. 26 Feb. 1858.

1293. Was it before the 28th of August?—Most undoubtedly. I cannot fail to be right as to the House of Commons sitting, because both the Chairman and myself brought it before the Court of Directors. I can mention one thing that fixes it upon my recollection. When the President of the Board made an alteration we desired that there should be a remonstrance; that remonstrance was prepared by the proper officer; the remonstrance, when prepared, did not meet the approbation of the Political Committee, of which I myself am a member. We disapproved of it, and insisted upon another remonstrance; and not wishing to have a delay of another week, in order to wait for another court, I myself, with, I think, Mr. Willoughby, and one of the officers, retired from the court, and prepared that remonstrance, in order that it might be immediately sent without further delay.

1294. Are we to understand that the argument against delay, and the considerations against delay, were grounded or not upon losing the opportunity of Mr. Butt making a motion in Parliament if he thought fit?—Expressly.

1295. Mr. Serjeant *Kinglake.*] Are you clear as to the expression as to his making an application in Parliament, or as to an application being made in Parliament?—I can only speak of the purport of it; my understanding distinctly was that he himself would consider it his duty to make an application to Parliament in the event of the matter not being settled by adjustment in some such way as he suggested.

1296. You speak of that as your impression. I would just suggest this to you, whether you have any distinct recollection of the conversation, so as to be able to say that he alluded to an application to be made by himself, or whether it may not have been an intimation to you that delay would prevent an application being made to Parliament?—I cannot at this distance of time undertake to state the words, but I can state distinctly what my understanding of the purport of the conversation was. I understood from that conversation that Mr. Butt would himself consider it his duty, in justice to the Ameer, to bring his case before Parliament unless he obtained what he considered justice from the Court of Directors.

1297. I think I understood you rightly just now to say, that in this conversation with Mr. Butt, you communicated with him as you would have done with any other person who was not a Member of Parliament who had come to you upon such an occasion?—Quite.

1298. *Chairman.*] Were you aware, at the time of your conversation in the Session of 1857, that Mr. Butt had presented a petition of Ali Moorad, and had given notice of a motion for papers, and had moved for papers?—Yes, I was aware that Mr. Butt was interesting himself in the case of Ali Moorad. Sir FitzRoy Kelly asked a question, I think, in the early part of the Session of 1857, of Mr. Vernon Smith, as to the course that had been adopted with reference to the petition presented by Ameer Ali Moorad to the Queen.

Ross Donnelly Mangles, Esq., a Member of the House, Examined.

1299. Mr. *Roebuck.*] I THINK you are the present Chairman of the East India Company?—I am. R. D. Mangles, Esq., M. P.

1300. I think you know Mr. Butt, the Member for Youghal?—I do.

1301. At any time, while you were a member of the Board of Directors, or Chairman, have you had any conference with Mr. Butt?—Yes.

1302. On what subject?—On the case of the Ameer Ali Moorad.

1303. Can you fix the date of any one of those conferences?—No closer than that I think it was early in the Session of 1857; the first Session of 1857.

1304. For what purpose did Mr. Butt call upon you, as stated by him?—Mr. Butt's object was to induce the East India Company to take a favourable view of Ali Moorad's case, and to remit a portion of the penalty that had been inflicted upon him by the Government of India, by the Court of Directors.

1305. Where was this conference?—I think "conference" is too solemn a word for it; but the conversation took place, I think, at the House of Commons.

R. D. Mangles, Esq., M. P.

26 Feb. 1858.

1306. Did Mr. Butt state any course that he should pursue upon that matter?—I understood Mr. Butt that if the Court of Directors did not make the concessions which he demanded on the part of Ali Moorad, it would be his duty to bring the matter before Parliament. That was the object, as I understood, of his communication to me.

1307. Did that sort of conversation happen more than once?—Yes, I think more than once.

1308. Down to what date did your conversations extend?—I think as late as May, probably, in 1857.

1309. Do you recollect Sir James Weir Hogg bringing the matter of Ali Moorad before the Court of Directors, or suggesting to you to bring it forward?—No, I do not recollect that; and there was no necessity for any member of the Court of Directors bringing the case forward. As far as we were concerned, the case had long been closed. We were aware that the Ameer had come over to England to endeavour to obtain the remission of his sentence; but all action must necessarily have been on his part. We remained doing nothing in the matter till he made representations.

1310. Was there a memorial or petition presented to the Queen by Ali Moorad?—Yes, I believe there was.

1311. Which was communicated in the proper course to the Board of Control, and by the Board of Control to you?—Yes.

1312. Do you recollect the date of that?—I do not recollect the date distinctly.

1313. You cannot tell whether it was July, or August, or June?—No; it was later than May 1857, I think. I had the papers yesterday, but have not brought them to-day.

1314. Had you any conversation with Mr. Butt during the time that the consideration of that petition was before the Board of Directors?—I think rather that my conversations with Mr. Butt were of an earlier date. I do not recollect that I had any conversation with him after the petition was before the Court; I do not recollect; it may have been so. I did not attach any special importance to those conversations at the time, and therefore they made no very strong impression upon my memory.

1315. Did Mr. Butt upon any occasion suggest to you that he intended to bring the matter before Parliament?—I understood that, certainly, from what he said: yes, certainly.

1316. That if the Ameer did not receive justice at your hands, then that was the course he should pursue?—Yes.

1317. Mr. Serjeant *Deasy*.] Can you undertake to state to the Committee with any accuracy the date of the first conversation?—No; it must have been before May, because subsequently to that Mr. Butt wrote to me, and I answered him.

1318. What was the letter that he wrote to you?—That letter was of the same tenor.

1319. Have you got it?—No; I destroyed his letter, by his request. I take it from the tenor of my answer. I have got a copy of my answer, and in the copy of my answer I state that I have destroyed his letters.

1320. What is the date of that?—The 22d of May 1857. This is a copy of what I wrote to him, dated India House, 22d May 1857. [*The same was read.*]

Vide Appendix.

1321. Can you say whether you had any conversation with Mr. Butt before the writing of that letter?—Oh, yes; it was the date of that letter which enabled me to state the probable date of my conversation with Mr. Butt, otherwise I might not have remembered it.

1322. Do you recollect the substance of the conversation which you had with Mr. Butt previous to writing that letter?—I have stated already the substance of the conversation. It was to urge upon the Court of Directors the injustice which Mr. Butt thought had been done to Ali Moorad, and that we should remit a part of the sentence; and if we did not, there was a threat (I do not use the word "threat" in an offensive sense), but there was a notification given that if we did not, the matter would be brought before Parliament.

1323. Did not he say to you in that conversation that he would write to you or send to you some papers about it?—Yes, I have no doubt he did. There appears to have been some paper enclosed. I believe it was a statement of the case of Ali Moorad.

1324. Was

1324. Was it printed or written?—I cannot remember.

1325. Did not he say to you on the first occasion that he had spoken to you at the request of Mr. Vernon Smith?—I have an indistinct recollection that something of that sort was said; I am not sure; I think so, but I am not sure.

1326. How long after that letter did you have the second conversation: I think I can recall it to your recollection: did he not tell you in the second conversation that he had spoken to Sir James Hogg?—I have no recollection of that; no sufficient recollection to speak of it; my impression is, that we had no conversations after this letter; that the conversations preceded the letter.

1327. Do you remember Mr. Butt speaking to you in the House of Commons, calling you behind the Speaker's chair, and asking when you would give a decision respecting the case, and your saying to him that you had done so that day, or something to that effect, and it was adverse to him?—No, I do not; it may have been so; I do not say it did not take place; I have no specific recollection.

1328. The conversation was a casual one?—I have a great deal to think about. I do not remember that circumstance.

1329. Mr. *Bright.*] From this letter it appears that Sir George Clerk had had some communication with the agent of Ali Moorad: who is that person?—A man of the name of Ackbar Ali.

1330. Did he tell you how long it was before you spoke to him that he had had that communication with Ali Ackbar?—No. I inferred it had been very recent.

1331. And that he had, as Ali Moorad's agent, suggested the possibility of a more favourable consideration of his employers' case, that is, of Ali Moorad's case, if he went to India and pursued a certain line of conduct?—I understood that Sir George Clerk had suggested that that was his only chance of getting a favourable consideration.

1332. Did Mr. Butt to you suggest any reasons why he thought the Court might fairly be asked to modify their view of this case?—Yes; I think he went into a statement of what he considered Ali Moorad's grievance, and the insufficiency of the trial that he had had; that it was not an impartial tribunal, and what not, of that description.

1333. Did Mr. Butt suggest any reasons of a more public nature as respects India and the Government of India?—Yes, I think he did.

1334. Is it customary for the Court of Directors to yield to representations of this nature, for fear of a discussion in Parliament?—I should say it is not customary for the Court of Directors to do so.

1335. Mr. *Roebuck.*] Is it customary for anybody else to do so?—It has been sometimes.

1336. *Chairman.*] Do you mean that the Court of Directors yielded on this occasion to the consideration of the discussion which might ensue in Parliament with regard to Ali Moorad's case?—No; I cannot say that they yielded on this occasion to that consideration, nor have they, can it be said, yielded very much. I do not know whether the Committee have the papers before them. They merely tell him to go back to India, and behave well; but they did not yield to the consideration of the discussion in Parliament. I found that the President of the Board of Control was not disposed to make that resolute opposition to the case which the Court thought ought to be made, and under such circumstances I certainly thought that some concession was better than fighting a battle where we should not have had the support of Her Majesty's Government. I have always held that where a matter has been decided by the Indian authorities, by the Court of Directors, and by the Board of Control, in any given year, it should be adhered to; that merely because there had been a change in the tenure of office at the Board of Control, there should not be a change in policy; that the Board of Control, though represented by another individual, should support the line that had been taken by the Court of Directors and by the Board of Control on the previous occasion.

1337. The answer to Ali Moorad's petition was drafted by the Court of Directors towards the end of August 1857?—Yes.

1338. That answer, as drafted, was a refusal of the petition, was it not; and the refusal was an adherence to their former decisions?—Yes, absolute adherence.

R. D. Mangles, Esq., M P.

26 Feb. 1858.

1339. That answer, as drafted, was corrected by the President of the Board of Control?—Yes.

1340. Did not that correction of the President of the Board of Control modify the refusal suggested by the Court, and make a concession in conformity with a portion of the prayer of Ali Moorad's petition?—It was not a concession in conformity with the prayer of Ali Moorad, as I take it, but it was a concession to a certain extent. It was saying, "Go back to India and be quiet, and behave well, and we shall then see what we can do for you:"—to that effect.

1341. Then the despatch, as sent, was not in accordance with the original suggestion of the opinion of the Court?—No.

1342. Here is a passage in your letter, "I have consulted my colleagues, carefully abstaining from the slightest allusion to your name in connexion with it;" may I ask why you so carefully abstained from any mention of Mr. Butt's name?—I had not seen that paper until I searched my drawer for it, when I was summoned before the Committee, and I can only speak from my impression; I have destroyed Mr. Butt's letter, but from the passage which you quote, and also from the last passage in my letter, I suppose that Mr. Butt must have asked me to abstain from mentioning his name as connected with the matter; I suppose so; I can only draw an inference.

1343. That is only an induction; you cannot say that Mr. Butt charged you not to use his name?—No, I cannot say that; that is my inference; that passage struck me in looking over the rough copy of my letter again.

1344. Was the destruction of Mr. Butt's letter your own voluntary act, or had there been a request on the part of Mr. Butt that the letter should be destroyed?—I suppose there must have been a request that I should destroy it; I suppose so.

1345. Mr. *Bouverie.*] Is your supposition an inference from the fact of that being in your draft, or from any recollection of what was contained in Mr. Butt's letter?—I have no recollection of what was contained in Mr. Butt's letter.

1346. Mr. *Roebuck.*] Is it your habit to destroy letters of that description?—It is according to the importance that I attach to such letters. I did not attach at the time, I am sure, any importance to this matter; it did not occur to me to be of any great importance.

1347. You stated that the course you pursued you thought better than to fight a battle; where was that battle, in your idea, to be fought?—In the House of Commons.

1348. So that, to avoid a discussion in the House of Commons, you thought it best to pursue a particular line of conduct?—You misunderstand me. I, on the part of the Court of Directors, should have been quite ready to fight that battle in the House of Commons *à l'outrance.* I thought that the President of the Board of Control, as the organ of the Government in that House, was bound to support a Government measure under the operation of the double Government. The sentence and punishment of Ali Moorad had been as much an act of the double Government as of the Court of Directors, and therefore I thought that the Government ought to have stood to their guns, and defended the case, as the Court of Directors were quite willing to stand to their guns and defend their previous determination; and in that sense they wrote a letter, a draft of which is here, and sent it up to the Board of Control for approval, altogether rejecting the petition of Ali Moorad, and standing upon their first decision; but when the President of the Board of Control manifested an intention to abandon that ground, and when I found by conferences with him that he was not disposed to contest the matter in the House of Commons, I saw that it was of no use for the Court to resist concession, and that it was better to make a certain degree of compromise; to send the Prince back to India, in the hope that what had passed would induce him to behave well, to be a good subject of the British Government, and a good ruler of his own people.

1349. So that under the existing circumstances you thought that compromise was a wiser course than fighting the battle in Parliament?—One or two of the Court of Directors might happen to be in Parliament; but if the Government forsook us, and threw over their own previous decision in the case, we had no chance of making a stand upon it, as I thought.

1350. So that the statement that the matter might be brought before Parliament was an effective statement with you?—Do not misunderstand me. My opinion

opinion of the justice of the case was in no wise altered. I thought that Ali Moorad was a justly punished man, and I think so still; but whether I should resist, or whether I should be willing to consent to a modification of the sentence passed upon him, was a matter of policy and expediency.

1351. And into that matter of policy entered the consideration of the wisdom or propriety of bringing the matter before Parliament?—I considered that if the Government did not support their own previous decision, we should have no chance of being able to maintain it in Parliament, therefore I thought we had better make a compromise.

1352. *Chairman.*] Were not the circumstances with regard to India altered between the 22d of May, which is the date of your letter, and the preparation of the draft despatch in August 1857?—No doubt they were very greatly altered.

1353. Had you not heard of the insurrection in the interval?—Yes.

1354. Were not your apprehensions with regard to the state of the Presidency of Bombay in August very grave?—Yes, certainly.

1355. Had not Ali Moorad Khan great influence in Upper Scinde?—No doubt.

1356. And the considerations of policy to which you refer might naturally and wisely have been influenced by that change of circumstances?—Yes: but I am not sure that we should have been bettered at all by Ali Moorad's going back.

1357. That is a matter of opinion?—Yes.

1358. Mr. *Bright.*] Did Mr. Butt represent to you that Mr. Vernon Smith was disposed to take a more favourable view of this case, and was that used by him as a reason why you should make a concession?—I am not sure about that; I knew myself personally that that was the case; that Mr. Vernon Smith was not disposed to contest the matter.

1359. And your fear was, not of an honest Parliamentary decision, but of the defection of the Board of Control?—My fear was, that whatever might be the justice of our position, if there was an *ad captandum* case got up of a wrong done to a native prince, and if the Government failed to support their decision (and it was their decision as much as ours), we should have been probably defeated in Parliament, and that worse consequences would have followed from the repeal of the former sentence by Parliament than could have resulted from Ali Moorad going back to India, because I believe that the interference of Parliament in these matters is very mischievous.

1360. Mr. Serjeant *Kinglake.*] May I not sum it up in this way, that you did not like to come in conflict with the Government about this matter?—No, that is not the case either; I did not care about coming in conflict with the Government, but I did not like to be left in the lurch by the Government.

1361. Mr. *Roebuck.*] You did not like to come into conflict with the Government in the House of Commons, the Government being opposed to you there?—I thought it would be a very unseemly spectacle for the Court of Directors to be opposed in the House of Commons to the Government. I thought it was quite certain in that case that we should be beaten, and I thought that worse public consequences would happen if we were defeated in the House of Commons in attempting to resist this claim on the part of Ali Moorad, than from our agreeing to some concession.

1362. *Chairman.*] Mr. Butt advocating the cause of Ali Moorad, and the Government yielding in some measure to the representation of the case as presented by him?—I suppose that was the motive of the Government yielding.

1363. The Court of Directors would have been planted between the two?—The Court of Directors, if they had been an absolutely independent body, would have made no concession whatever, and would have adhered to their determination.

1364. Upon the merits of the case you and your colleagues were agreed?—Yes. There were some points upon which there were some shades of differences of opinion. Curiously enough, it was the Board of Control who made Lord Dalhousie's sentence on the Ameer more severe that it originally was, and therefore we thought it was additionally unfair that the Board of Control should desert us in the matter, because when another gentleman was at the head of that Board, they increased the intensity of the sentence, as recommended by Lord Dalhousie.

R. D. Mangles, Esq., M. P.

26 Feb. 1858.

1365. Mr. Serjeant *Deasy.*] Did not the President of the Board of Control, to some extent at least, overrule the decision to which the Directors had arrived, without any intervention of the House of Commons?—There was no intervention of the House of Commons at all. The Directors drafted a letter, and sent it up for the approval of the Board of Control, as I have already explained, altogether rejecting any concession, and the Board of Control altered it in red ink. Here it is as altered.

1366. I believe there was a remonstrance from the Board against the alteration?—Yes; the Court of Directors remonstrated against the alteration.

1367. The President of the Board of Control persevered in his alteration?—Yes.

1368. *Chairman.*] Did the despatch, as altered by the President of the Board of Control, go out to India?—No; it has never gone to the Indian Government; it was not addressed to the Government of India; it was a letter to Ali Moorad.

1369. Has that letter gone?—It went to Ali Moorad, of course.

1370. Where is Ali Moorad now?—I believe he is in Scinde; he has gone back to India.

1371. Is he now in Scinde, assured by the authorities in England, the Board of Control and the Court of Directors conjointly, that a concession shall be made to him?—No; there has been no promise of concession made to him. I see in the last paragraph there is a hope held out; he is advised that the best course for him to pursue is to go back to India, and there behave himself well in his relations to the British Government, and with his own subjects; and so doing, it would be satisfactory hereafter to receive such reports of his conduct as may seem to justify their considering his case more favourably than hitherto.

1372. He is now in Scinde with that letter in his possession, and is acting under the hope there held out?—I trust he is acting a loyal part. There is the letter as drafted by the Court, crossed out in red ink, and a different sense put upon the last part of it, against which the Court remonstrated.

Vide Appendix.

(*The letter was read.*)

Witness.—I have here the answer of Ali Moorad to that letter, and the Court's rejoinder to it.

1373. Mr. Serjeant *Kinglake.*] Can you tell when that letter was sent to Ali Moorad; was it before or after he had left England; he left England on the 22d of August 1857?—Yes, it must have been before that, for his acknowledgment of the letter is dated 20th of August.

1374. From London?—Yes.

1375. Mr. *Sidney Herbert.*] Is that despatch which you have read in the shape in which it ultimately was sent to Ali Moorad?—Yes, on the 19th of August 1857.

1376. Mr. *Roebuck.*] Was any despatch to the same tenor ever sent to the authorities in India?—No.

1377. Was there ever any intention on the part of the Court of Directors to send such a despatch?—No, the point was never mooted.

1378. And the Court of Directors never gave anybody to understand that they intended to send such a despatch to India?—No, I think not.

1379. *Chairman.*] It is very desirable that we should fix the date of the reception by Ali Moorad of that letter, corrected by the President of the Board of Control; what is the date?—I see it is dated "India House, 19th August 1857;" and Ali Moorad appears to have answered it the succeeding day, the 20th.

1380. The Court did not wish an early answer, but does Ali Moorad, on the 20th of August, acknowledge the receipt of that letter?—Yes, he does.

1381. It is quite clear that on the 22d of August he was in possession of that letter?—Yes, certainly.

1382. Mr. Serjeant *Kinglake.*] I understand it is the 20th, dated from London?—it is dated 20th of August, from London, at least Carlton East; I presume that is in London.

1383. General *Codrington.*] Did your objection to possible proceedings in Parliament arise from your conversation with Mr. Butt, or did it arise from not being

being able to oppose the decision of the Board of Control in Parliament?—Certainly not from my conversations with Mr. Butt; but solely from finding that we should not have the cordial support of the Board of Control in opposing any motion made in favour of Ali Moorad.

R. D. Mangles, Esq., M.P.

26 Feb. 1858.

Henry Thoby Prinsep, Esq., called in; and further Examined.

1384. *Chairman.*] HAVE you compared the original Persian letter with Ali Akbar's translation of the first of the two letters?—I have.

H. T. Prinsep, Esq.

1385. Is it an accurate translation, or are there inaccuracies in it?—In the main it is accurate; but I thought it was best to make quite a literal translation myself for comparison, instead of pointing out little discrepancies. (*The Witness read the Translation.*)

Vide page 76.

1386. You have translated some words into "will play me some trick upon the road;" Ali Akbar translates them, "will keep me detained on the road." Which is right (*the Witness referred to the original*)?—The word is "haramzadagee," which means "villany;" the word "haramzâda," which he translates "bastard," is generally used for "villain;" the expression means, "will do some villany."

1387. Mr. *Sidney Herbert.*] "Some villany on the road"?—Yes, "upon the road some villany will do." There is no signature, but the seal is the seal of Ali Moorad Khan; it has written upon it a sentence in Persian, meaning "The good fortune of Ali Moorad fulfilled his wishes," using his name, "Moorad," for "wishes," so as to make a play upon the word.

1388. Now, in ordinary autograph correspondence in Persian autograph, is it the practice to sign as well as seal a letter?—A nobleman would not sign an autograph; this is evidently the writer's own hand.

1389. He would be content with the seal?—Yes, reckoning upon the man knowing the handwriting.

1390. Is there not a difference between a legal instrument, such as an agreement and a private letter, with respect to signing?—Yes; generally they would sign a deed with witnesses, in the same manner as other people would.

1391. Do you know the identity of Persian handwriting; can you give an opinion upon it?—I think I could recognise it.

1392. Is the letter which you have been so obliging as to translate, in the same handwriting as the postscript to the letter which you translated the other day (*the Witness inspected the postscript in Persian*)?—There is a likeness in the handwriting; but this seems written much more carefully, and with a better pen.

1393. Which is written more carefully?—The note to Mr. Butt that I have translated before; and it is written with a better pen.

1394. Upon the whole, should you say it was the handwriting of the same person?—I am looking out for words of the same meaning. I think they are the same handwriting; but certainly this is much more carefully written, and with a better pen.

1395. Will you now be good enough to read your translation of the second letter?—(*The Witness read the translation.*)

Vide page 76.

1396. Will you compare the Persian autograph with the postscript which you translated yesterday?—(*The Witness compared the two documents.*) The handwriting is evidently the same as the other letter to the same person. I should certainly say the same of this as I said of the other; this is also written with a worse pen; it is worse at the end than it is at the beginning. At the beginning, where it is written more carefully, it is more like.

1397. On the whole, are you of opinion that all three documents are written by the same hand?—If these had been shown to me after seeing the other, without any knowledge of the possibility of their being the same, I should never have recognised them as being the same handwriting; but, comparing them, I see no reason to doubt that they may be the same handwriting; but it is not so exactly like as to be certain evidence of identity.

1398. Mr. *Roebuck.*] Have you not given a very accurate description of an imitation?—An imitation would probably meet the description.

H. T. Prinsep, Esq.

26 Feb. 1858.

[*Two Persian letters, which were read on the 25th instant by Meer Ali Akbar, have been also translated by H. T. Prinsep, Esq., as follows:—*

"Moonshee Sahib very kind, God's blessing.

"At this time 2,000 for my expenses, which are at the hotel, has been sent for from the Mercantile Bank as matter of urgency; be so kind as to send it quickly. Here the hotel expenses are great. The hotel receipts shall be sent to that friend (the person addressed) from Egypt. Let him examine and see if they are proper or not, or whether this son of Satan has embezzled. But quickly send the whole of this 2,000, or else this (Haramzada) scoundrel will play me some trick upon the road. I will send from Egypt another power of attorney (agency order) for that friend (the person addressed). You must act upon it. I will write for that friend's information whatever particulars of villany have occurred on the part of this son of Satan on the journey, one by one. Thereupon exerting yourself, set to work. The particulars of what is passing there (meaning where the person addressed lives) every instant write. Write also news of Sir George Clerk very frequently. I have had my teeth set right in Paris. There was great expense incurred on that account also. Further, I will send to that friend an account of everything that I have purchased here. Be so good upon seeing this letter your own self to go to the Bank, and taking with the utmost despatch the 2,000, send it on without the delay of one instant, for it is of the utmost necessity. When I arrive at Bombay or Khypoor, I will send the amount quickly through Nootun Das. Satisfy the people of the Bank completely on this point. I have this day, which is the fifth of the month. Thursday, started from Paris for Trieste. Be it known, I trust this sum of money will reach me before I arrive at Trieste. Make no delay, no delay; consider as much this short note. Give my compliments to Sir George Clerk and to Major Rawlinson, and Madame Dyce Sombre, and my especial compliments to Lord Ellenborough. Further compliments. Accept many compliments from Puteeah Khan."

"Monshee Saheb very kind, God's blessing.

"I have before this written to that friend, *i. e.* you, a letter from Paris. In that I described the particulars of the crooked goings and crooked pullings of this Eblis. To this day no answer has arrived; perhaps through the villany of this cursed one my letter may not have reached you. Well, be it so; matters here too are after this fashion. When I arrived at Paris, I then said, 'preparation must be made to travel on to-morrow morning.' He said, 'I am sick;' so that making excuses he caused me to be delayed in Paris four or five days. After that he went on from Paris, and at every stage and place, making excuses and pretences, he caused useless delay of five days at one place, and six at another. I arrived at the port of Trieste on the 21st, after a thousand tricks, so that the Alexandria packet had sailed before I reached. Now he says, 'what can I do?' the next packet will sail on the 15th day; that even is doubtful; it may sail or it may not. Sometimes he makes other excuses; sometimes he says, 'Send for Ali Akbur, your vizier and your friend'; let him carry you on from this place to Bombay. Sometimes he says, 'There is an order from the English Government against your going to Scinde;' at other times, 'that Mr. Butt is coming; remain here till he arrives.' This is the fourth day of my being at Trieste. I am waiting here uselessly; nobody here understands my language; the people here do not even understand English. You well know that in presence of Mr. V. Smith and Sir G. Clerk I was urged to proceed quickly. They said, 'The Meer going quickly must do good service to the English Government, let him go immediately and remain at his own place;' but I am sitting here as if I were a prisoner. My friend, the condition of this Satan is the same; do what you think best for me, and tell Sir G. Clerk that I was urgent to go quickly for the service of Government; but what can I do? I have no power even of acquiring the language, and therefore am helpless.

"If you could procure and send a letter of recommendation from Sir George Clerk to the consul who resides here, begging him to forward me on to Bombay. Do this, or whatever else may be most advisable, for I am staying here to no purpose; and otherwise, I may not be able to continue my journey for a month even. For the future, understand you are my authorised agent (Mokhtar). Further,

go yourself, and tell the great man and Sir George Clerk all this story; and tell them that I was going quickly for the Sirkar's service, but this Satan, God only knows for what reason, has delayed me improperly. He makes every day a thousand excuses; I have not had a word to say before or after. Let it not be that they should say the Meer has done no service, because I am here, and the service to be rendered is there. I have written this for your information. *H. T. Prinsep, Esq.* 26 Feb. 1858.

"Take care that what you write in reply comes safe to my own hand, and that they do not deliver it to another. If it were to fall into the hand of any other, I should assuredly never get it. Compliments. What more can I write?

"Present a thousand compliments on my part to all my friends."

Mr. *David Coffey*, called in; and Examined.

1399. *Chairman.*] ARE you the brother of Edward Coffey, the petitioner in this case?—Yes. *Mr. D. Coffey.*

1400. Where is your residence?—Dominic-street, Dublin.

1401. What is your occupation?—A solicitor.

1402. Mr. *Roebuck.*] Do you know Mr. Butt?—Before answering any questions, I wish to submit to the gentlemen of the Committee whether, having been the solicitor of his Highness, and having been professionally concerned, you would consider that I ought to disclose any matter of business connected with him. I leave myself entirely in the hands of the Committee.

1403. *Chairman.*] When a question is put to you with regard to any communication which you think privileged in your capacity of his solicitor, you may decline to answer it, and take the opinion of the Committee.

1404. Mr. *Roebuck.*] Do you know Mr. Butt?—Yes, I do.

1405. Did you ever retain Mr. Butt on the part of the Ameer?—I did.

1405*. When?—I should say about June 1856.

1406. Was Mr. Butt at that time in Parliament?—He was.

1407. Did you lay any instructions before Mr. Butt?—No. The first introduction I made to Mr. Butt of this matter was from verbal conversations with him.

1408. Did you give him any instructions verbally?—I talked to him of the Ameer's case, and I solicited his advocacy in Parliament of the case.

1409. His advocacy in Parliament?—Yes. I asked him, would he take the case up. From my own experience of Mr. Butt, I considered that he was a very able man, and a very able lawyer, and I thought he would be a very desirable person to take up this case.

1410. Was it for that purpose that you retained Mr. Butt?—It was.

1411. Did you pay Mr. Butt a fee distinctly to retain him to advocate the case in Parliament?—I recollect, some time in June 1856, conferring with Mr. Butt upon this case; and upon that occasion I did pay him one fee, a fee of five guineas.

1412. Did you give that retainer in writing?—I merely marked a blank sheet of paper, and put upon it, "Docket for conference," and marked the fee upon it.

1413. And you gave that, I suppose, to Mr. Butt's clerk; or did you give it to Mr. Butt himself?—I believe I gave it to Mr. Butt himself, as a conference or consultation fee.

1414. Have you any proof that you gave the money to Mr. Butt?—I have that docket, but I did not bring it here with me. It is in London; it is at my lodgings.

1415. Is that the only proof you have of the payment of the money?—I paid it to Mr. Butt. I am sure he will recollect the circumstance. It was to Mr. Butt himself.

1416. You have not that docket with you?—I have not.

1417. Have you no other receipt?—That docket is receipted.

1418. You have it in London?—Yes.

1419. For what consultation was it?—Well, it was a consultation with regard to a petition which it was considered advisable to present to the House.

1420. Did Mr. Butt settle that petition?—He took a very active part in that petition.

Mr. *D. Coffey.*

26 Feb. 1858.

1421. Did he present that petition to Parliament afterwards?—Well, I am not aware of the circumstance myself; but, from merely reading the newspapers, I believe he did.

1422. Did Mr. Butt present any petition to Parliament?—Yes, he did; I do not know it of my own knowledge, but in that way.

1423. Have you seen a copy of that petition, as printed amongst the Parliamentary papers?—No, I have not.

1424. Therefore you cannot distinctly say that that is the petition which he settled?—I cannot.

1425. But it was in order to settle a petition that you paid him that fee?—It was; it was with regard to that petition that there was a conference or consultation.

1426. With whom was that conference held?—My brother, Mr. Coffey, was there, and Mr. Butt.

1427. Who else?—Not any person else; Mr. Irwin.

1428. Was that in Ireland?—No; in London.

The Witness was directed to withdraw.

The Witness was again called in.

1429. *Chairman.*] Have you that document now?—Yes. (*The Witness handed in the same.*)

1430. Mr. *Roebuck.*] Are these Mr. Butt's initials?—They are.

1431. That is the way that a Queen's Counsel writes his receipt?—It is; that is the usual way.

1432. Merely putting his initials, and not his name?—Some write the full name, and some the initials; I have known it both ways.

[*The endorsement of a blank paper, "In the matter of Meer Ali Moorad, docket for conference; Isaac Butt, Esq.,* Q.C.; *fee* 5 *guineas;* 21*st June* 1856; *paid, I. Butt," was read.*]

1433. That was paid in London, you say?—Yes.

1434. Have you, since that, paid any fees to Mr. Butt?—No, I have paid him none.

1435. Have you retained him without paying him any fee?—Mr. Butt consented; and it was understood, at that period, that he was to take up the Ameer's case.

1436. Mr. Serjeant *Deasy.*] Do not give us what was understood; tell us what was said?—That he was to take up the Ameer's case in Parliament.

1437. Mr. *Roebuck.*] With whom was the understanding entered into?—With me

1438. Did you make any agreement with Mr. Butt with respect to Ali Moorad?—No, none.

1439. Did you make any proposals to Mr. Butt?—None whatever.

1440. How do you reconcile that with your former statement?—I asked Mr. Butt to give the Ameer his Parliamentary influence and advocacy in the House for the conduct of his case, and Mr. Butt assented to that.

1441. What do you mean; did you offer him anything for his services?—Certainly not. I did not.

1442. You merely asked him to undertake the business of the Ameer?—I did, in Parliament.

1443. To assist the Ameer?—To advocate his case in Parliament, to assist him through the House with his case.

1444. Had you any further conferences with Mr. Butt?—Oh, several; repeated conferences.

1445. Did Mr. Butt ever inform you of any transaction between himself and your brother Edward?—No; there is but one that I can speak to, and that is as regards a sum of 2,000 *l.*

1446. What was said about that?—By Mr. Butt himself; he told me that he was to receive a sum of 10,000 *l.* for going to India; 3,000 *l.* was to be paid before he left for India, and the balance was to be secured to him by bills. The statement is that 3,000 *l.* he was to be paid in cash, and 7,000 *l.* to be secured by bills, but that he got 2,000 *l.* in cash out of that sum.

1447. Is that all that Mr. Butt ever told you with respect to monies that he was to receive?—That is all.

1448. He

1448. He never told you of his having entered into any agreement with your brother?—Never.

1449. Did your brother ever tell you?—No, I cannot say that he did.

1450. What do you mean by that answer?—I mean that in general conversation, in talking with my brother, I repeatedly heard him say that Mr. Butt would be a made man; it would be a great advantage to him; nothing further; no arrangement at all.

1451. Mr. Serjeant *Deasy*.] You say that you retained Mr. Butt?—Yes.

1452. Did you send him a retainer; you are a professional man; you know the practice?—No.

1453. You sent him no retainer?—In that way I did not.

1454. Was it you who introduced your brother to him?—It was.

1455. Do you remember the time?—About June.

1456. Some time in June?—Some time in June.

1457. When had you been employed as solicitor for the Ameer?—I should say some time in 1855; the early part of 1855; my brother came home from India at that time to make arrangements about the Ameer's business.

1458. Your brother James was very intimate with Mr. Butt?—I believe so.

1459. More so than you, I believe?—Yes.

1460. Do you remember his being in London about the time the petition was presented?—I do.

1461. He was at that conference when you say you gave Mr. Butt five guineas?—He was.

1462. Were you present at any other conference about the Ameer's affairs?—Yes, I was at several; at the time the petition was in course of preparation there were several conferences.

1463. I speak of conferences; consultations with other persons; legal consultations?—I was at one only.

1464. When was that?—I cannot exactly fix the day; it was at Sir FitzRoy Kelly's house.

1465. About what time?—I should say probably it was August 1856; I am not quite sure of the date. I returned to Ireland after that petition had been presented, and I came back again.

1466. It was after you came back that this consultation took place at Sir FitzRoy Kelly's?—Yes.

1467. Was Mr. Butt at that consultation?—He was at one of them.

1468. Was there more than one at Sir FitzRoy Kelly's?—Several.

1469. Legal consultations respecting the Ameer's rights?—Certainly; yes.

1470. Did other legal gentlemen attend those legal consultations besides Mr. Butt; other counsel?—One gentleman attended. Mr. Ayrton attended one other conference.

1471–2. Did Sir FitzRoy Kelly attend?—Sir FitzRoy Kelly, my brother, and Mr. Butt.

1473. Did not Sir FitzRoy Kelly receive the usual fees for those consultations?—I believe he did; not through me.

1474. Messrs. Hunt were acting then?—I placed the case in the hands of Messrs. Hunt, as it was inconvenient to me, residing in Ireland. I wished to have the Ameer's case placed in the hands of the most respectable persons I could select in London, for the purpose of carrying on his case.

1475. Was the result of the consultation at Sir FitzRoy Kelly's in August the presentation or preparation of the petition to the Queen?—No, I think that there were further consultations and conferences; there was an immense number of them.

1476. Mr. *Sidney Herbert*.] A number of what?—Consultations, before any precise mode was pointed out for proceeding.

1477. Mr. Serjeant *Deasy*.] Do you remember the petition to the Queen being decided on some time in August?—I heard so. Messrs. Hunt communicated with me upon the subject.

1478. You put the matter into the hands of Messrs. Hunt and employed them?—Yes.

1479. As Parliamentary agents?—Yes.

1480. And it was they, I understand, had those consultations to which you refer?—Yes, they were parties.

1481. They sent the dockets for them, and paid the fees?—They did.

 1482. Did

Mr. *D. Coffey.*

26 Feb. 1858.

1482. Did you see a letter of Mr. Butt's to your brother James, written recently, which he desired to be shown to you?—I did.

1483. Is that a copy of it (*handing a paper to the Witness*)?—It is endorsed to my brother James. I read the original letter; I believe that to be a copy.

1484. A correct copy?—Yes.

1485. Is that your answer to it (*handing another paper to the Witness*)?—Yes.

Vide Appendix.

[*A copy of a letter signed "Isaac Butt," and addressed to "James Coffey, Esq.," dated "85, Jermyn-street, Friday morning," was read.*]

Vide Appendix.

[*A letter dated "20th February 1858," signed "David Coffey," and addressed to "Isaac Butt, Esq.," was read.*]

1486. Mr. Serjeant *Deasy.*] Is that your brother James's handwriting (*handing a letter to the Witness*)?—It is.

1487. That is his answer to that letter?—It is.

Vide Appendix.

[*A letter dated "20th February 1858," signed "James Charles Coffey," and addressed to "Isaac Butt, Esq.," was read.*]

1488. You heard the reference in that last letter to a fee of 20 or 25 guineas paid to Mr. Butt?—Yes.

1489. Will you state to the Committee the source from which that was paid?—I cannot, for I was in Dublin at that time.

1490. Do you remember asking Mr. Butt to come over to London to attend that consultation?—I do.

1491. Did not you tell him upon that occasion that the Ameer was particularly anxious that he should come over to attend that consultation, or something to that effect?—I told him it was very essential that he should go over to London; that I thought his presence would be very desirable there, and pressed him to go at once.

1492. At that time I believe the courts in Dublin were sitting?—It was in the halls of the courts that I spoke to him.

1493. You paid him the 20 guineas?—I gave him a cheque, but I could not tell you for what amount it was; I have no recollection of the amount.

The Witness was directed to withdraw.

Mr. *Robinson Tunstall Elsdale,* called in; and Examined.

Mr. *R. T. Elsdale.*

1494. *Chairman.*] WHAT are you?—I am Mr. Hunt's partner. A summons has been sent to Mr. Hunt; but he is abroad, and I have come with certain papers required to be produced.

1495. Is Mr. Hunt a Parliamentary agent?—Yes, and a solicitor.

1496. Mr. Serjeant *Deasy.*] Messrs. Hunt and Elsdale were employed to act for the Ameer as Parliamentary agents and solicitors?—As his solicitors we were employed; we do not generally act as Parliamentary agents. I ought to say that my partner, Mr. Hunt, was concerned in the management of this business. I know personally very little of it except generally, if the learned counsel wants to have any particular information.

1497. What document have you in your hand?—Our bill of costs; I have also got in my hand certain expenditure accounts which were given to Mr. Hunt by the Ameer.

1498. Is that an account of expenditure by Mr. Coffey?—The accounts of expenditure are Mr. Coffey's accounts of expenditure.

1499. Mr. Edward Coffey's?—Yes.

1500. Will you produce the bill of costs?—I submit to the Committee that they are privileged papers; that as solicitors we are not only justified in not producing them, but that it is our duty not to do so. The bill of costs is a narrative of what took place between ourselves and the Ameer in our occupation as solicitors for the Ameer; the steps which we took on his behalf and the advice we gave him. It is an account of the consultations we had with the various counsel, Sir FitzRoy Kelly, and others, on his behalf; and it would show, in fact, to everybody all that we had done for him, and all we had advised him to do. I think there has been a case in which it was fully held by Lord Brougham

Brougham, that anything which a solicitor commits to writing, and which he only knows through his position with his client, he is not only justified in not producing, but it is his duty not to produce it, either as a witness or in any other capacity. Mr. *R. T. Elsdale.* 26 Feb. 1858.

1501. *Chairman.*] Who is your debtor; against whom is the account made out?—Against his Highness Ali Moorad.

1502. Is he the sole debtor?—The sole debtor; in fact he is not a debtor now, because the account has been paid.

1503. The bill of costs is an account between you and Ali Moorad?—Entirely; the sole objection that I make in producing the document is simply this, that we are advised that we are not only justified in withholding, but that it is our duty, as confidential agents, to withhold it.

1504. You plead that it is a privileged communication, that you are not bound to produce?—And which we should not be doing our duty to produce.

1505. Mr. *Sidney Herbert.*] That applies to the bill of costs, not to the other papers?—The other papers are in the same category; they are accounts of expenditure by Mr. Coffey on the part of the Ameer, handed to us by the latter.

1506. Colonel *Wilson Patten.*] Do you, in answer to that, maintain that the production of them might injure the Ameer in any way?—I think it might.

1507. Mr. Serjeant *Kinglake.*] I understand that this bill of costs contains an account not only of the business done, but of particular advice which has been given him?—Certainly it does.

1508. It is not a mere statement of work done with the amount charged, but there are specific entries of matters which had passed between you and the Ameer?—Just so. There is another thing. It is made out in this way: whatever we do every day we put down in our day-book; the advice we give and what we have done. These are exact copies of those entries. When we send the bills in to our clients, we make a more condensed account. If I were to produce these papers, they would show in detail all that has taken place, and all the advice that we have given.

1509. Mr. *Bright.*] Is the paper you are speaking of now the exact copy of what was presented to the Ameer, or a copy of a more extended account in your day-book?—It is a copy of the more extended account in our day-book, with certain parts struck out. It is an exact copy of what was sent in to the Ameer.

Sabbati, 27° die Februarii, 1858.

MEMBERS PRESENT.

Mr. Bouverie.	Mr. Serjeant Kinglake.
Mr. Bright.	Colonel Wilson Patten.
General Codrington.	
Sir James Graham.	Mr. Serjeant Deasy.
Mr. Sidney Herbert.	Mr. Roebuck.

THE RIGHT HON. SIR J. R. G. GRAHAM, BART., IN THE CHAIR.

The Right Hon. *Robert Vernon Smith*, a Member of The House; Examined.

1510. Mr. *Roebuck.*] I THINK during the whole of Lord Palmerston's Administration you were President of what is commonly called the Board of Control?—Yes, I was. The Right Hon. *R. V. Smith*, M.P. 27 Feb. 1858.

1511. During that time had you any conference with Mr. Butt, the Member for Youghal, about the affairs of Ali Moorad?—Yes; I saw him several times.

1512. During 1856?—I am not sure that I did during 1856; if I did, it was very late in the Session.

The Right Hon. *R. V. Smith*, M.P.

27 Feb. 1858.

1513. You are aware that, in 1856, a memorial or petition was presented to the Queen by Ali Moorad?—Yes.

1514. I suppose that was conveyed through you?—Yes.

1515. Had you any conferences with Mr. Butt with respect to that petition or memorial?—I think not in 1856. Mr. Butt gave notice of a motion upon going into the Budget, as he supposed he could; but the Speaker stopped him, on a point of order. That was in August 1856.

1516. Had you any conference with Mr. Butt upon that matter?—I think he told me in the House of Commons, that he was going to bring it forward; but I do not remember having any conference with him at the office.

1517. Was there a conference afterwards about the motion for papers?—That was in 1857. Mr. Butt moved for papers, and they were presented to The House in March 1847.

1518. Had you any conference with Mr. Butt upon that proposed motion?—No, I do not remember that I had, but I may have had; I do not remember the exact date when I first saw Mr. Butt.

1519. Subsequently had you any conference with Mr. Butt upon the affairs of Ali Moorad?—Yes, frequently.

1520. Can you tell the general substance of those conferences?—The general substance of those conferences was, that Mr. Butt strongly enforced the claims of Ali Moorad. I suppose the Committee are generally acquainted with the case of Ali Moorad. Mr. Butt took a very strong view in favour of his Highness, as he was called, and urged it upon me. I should say that it was very much my habit, and I believe it is of all public offices, particularly the India Board, to see persons upon the subject of the claims of native Princes, of which there are many; and I made it my duty when first I went there to be as accessible as possible to all persons who had claims to be heard. I saw Sir FitzRoy Kelly, and I saw Sir Erskine Perry upon the case of the Nawab of Surat, and various other gentlemen; Members of Parliament and others. At the time that I saw Mr. Butt, in 1857, there was notice of a motion, not on his part, but on the part of Sir FitzRoy Kelly, upon the books of the House, and in March 1857, I think it was, that Sir FitzRoy Kelly asked me a question about the petition to the Queen, to which the honourable Member has referred, why it had not been attended to. My answer was, that it had not pursued the usual course of colonial petitions; namely, being sent through the Governor, and therefore it had been sent back to take that course, and that the reason why I had not made any answer to his Highness was, that it was thought that he had left England for Mecca. Sir FitzRoy Kelly put a notice on the books, which I think was repeated over and over again, till the end of the Session.

1521. Mr. *Bouverie.*] Had that relation to Ali Moorad?—Yes; it may be seen by the Journals of The House that there are constant repetitions.

1522. Mr. *Roebuck.*] Was there any statement upon the part of Mr. Butt about the compromise, as it is called, respecting the claims of Ali Moorad?—I do not quite understand the word "compromise."

1523. Nor do I; but that is the word that has been used?—I do not recollect that Mr. Butt ever used the word "compromise" to me.

1524. Did he make any proposal to you as to what he thought ought to be done in the case of Ali Moorad?—Yes, frequently.

1525. What was it?—What he thought ought to be done was, that what were called the Turban lands should be restored to him; and that he urged very strongly, and with great ability, in a case which he submitted to me (*a Paper was handed to the Witness*).

1526. Mr. *Bright.*] Is that the case which Mr. Butt transmitted to you?—Yes, I rather think it is the same.

1527. Mr. *Roebuck.*] Is that a Parliamentary paper?—No.

1528. It was a private memorandum made on the part of Ali Moorad, and presented to you by Mr. Butt?—Yes.

1529. During any of those conferences was any statement made by Mr. Butt of his intention to bring the matter before the House of Commons?—He spoke of it as one of the manners of dealing with the case, certainly.

1530. And did he state that he himself should bring the matter before the House of Commons?—I do not remember that he stated so himself; he stated that he thought it very unadvisable to bring it before the House of Commons.

1531. Did

1531. Did you ever write any letter to him, stating that to bring it before the House of Commons would be embarrassing to the Government?—I do not remember that I did; I have not kept copies of the letters I wrote to him. The letters he wrote to me were marked "private," or "confidential," or with some term of that kind. The letters I wrote to him were chiefly saying what time I could see him. There may have been a letter saying it was inexpedient for it to come before the House of Commons; I have not a copy of it, and I cannot remember it. There was a frequent discussion about such a thing being brought before the House of Commons. Mr. Butt entirely agreed with me that it was a very unadvisable course. I considered the House of Commons a very bad tribunal of appeal for Indian cases, and I have always said so in public. At the time we are referring to, namely, 1857, it was certainly undesirable. The state of India was such that to give out to the public that there was discontent among the native Princes, would in my opinion have been a very dangerous course.

1532. Do you recollect suggestions in the regular form coming from the Board of Directors, in answer to a petition of Ali Moorad?—The India Directors had nothing to do with the petition to the Queen.

1533. *Chairman.*] There was a subsequent memorial to the Court of Directors, which memorial to the Court of Directors was answered by them; is that the draft answer which was submitted to you (*handing a Paper to the Witness*)?—Certainly.

1534. Mr. *Roebuck.*] Do you recollect any suggestions being sent by the Board of Directors to you as an answer to that memorial?—The course is this: the Court of Directors prepare a letter, which is submitted to the consideration of the Board of Control, and if the Board of Control choose to pass it they give their assent, and if they wish to alter it, they enter the words in red ink upon the letter, which is sent back, and forwarded to the person to whom it is addressed.

1535. And was such a draft letter sent to you by the Court of Directors?—Yes.

1536. And altered by you?—Yes.

1537. Was there any suggestion made to you by Mr. Butt, or by anybody on behalf of Ali Moorad, that there should be a despatch sent to the Government of India respecting Ali Moorad's claim?—Yes.

1538. And was any promise made to Mr. Butt that such a despatch should be sent to India?—Not the despatch that Mr. Butt wished, for a large cession of lands. I should say that the question I understood to be decided long before I came into office. It was what is called in the department an old case when I came there; and it was not in the first year of my tenure of office that my attention was at all directed to it; it was afterwards; and then the view that I took of it was this, that Ali Moorad had certainly committed the crime which was charged to him of forgery in a treaty, but at the same time I thought that the punishment that had been fixed upon him by the Indian Government was excessive; he having behaved well for seven or eight years, it was high time that something should be done in the way of mitigation of punishment. That was the notion I entertained of the case, which I all along endeavoured to enforce upon the Court of Directors, and at last, to a certain extent, I succeeded in so doing.

1539. Then, if I understand you rightly, you thought that some mitigation of punishment should take place with regard to Ali Moorad, and that a despatch signifying that should be sent to India?—Yes.

1540. Did you ever promise that to Mr. Butt?—I do not know that I promised it; I frequently told Mr. Butt it was my idea; I never was in the habit of promising; I considered that the Court of Directors were to be consulted upon these cases. I have always told Mr. Butt, as I told every other agent, I shall go as far as I can in the way of justice to secure concurrence between myself and the Court. If I think they evade the principles of justice, I shall enforce them; but, generally speaking, I think my duty as President of the Board of Control is to act with the Court of Directors and not against them, as long as that Government is the Government fixed for India by the Legislature.

1541. Did you ever tell Mr. Butt that a despatch to that effect had been sent

The Right Hon. *R. V. Smith*, M.P.

27 Feb. 1858.

to the Government of India?—No, I do not think I did; if I recollect rightly it was not sent actually, so that I do not think I could.

1542. So that the determination you had formed to send the despatch to the Government of India was never carried out?—There was so much said about it that I should be very sorry positively to deny it; I rather think it was not; I think a letter was sent; I wrote to Lord Elphinstone about Ali Moorad; I think that was the conclusion of it; that you can ascertain from public documents, therefore it is of no use asking me.

1543. You think it possible, then, that a letter to Lord Elphinstone to that effect has been sent?—I wrote a private letter to Lord Elphinstone, telling him what I thought of the case.

1544. That private letter was not communicated to the Board of Directors?—So much of the intercourse between the Court of Directors and myself is private that it is not possible to discriminate. I have no doubt I told the Chairs, in their interview with me, that I had written such a letter, because they knew that was my feeling.

1545. Can you charge your memory whether you stated to Mr. Butt that you had done so?—I think most probably.

1546. That you had written such a letter?—Yes.

1547. Was not there some conference about the propriety of Ali Moorad going out to India?—I had frequent conversations about the propriety of his going out, both with the Court and also with Mr. Butt.

1548. And it was eventually determined that he should go out?—Yes.

1549. Was it part of the inducement, if I may use the word, to Ali Moorad to go out, that when he arrived in India he would find the authorities willing to listen to him?—I dare say it was; yes.

1550. And all that was communicated to Mr. Butt, and through Mr. Butt, as you suppose, to Ali Moorad?—I think I may say more. I had an interview with Ali Moorad, and I think I told him that at the interview.

1551. Mr. Serjeant *Deasy*.] Do you recollect whether you ever saw Mr. Butt at the office in Cannon-row in the month of June or July 1856?—I really can scarcely answer that question as to 1856; the communications I had with Mr. Butt were chiefly in 1857. I may have seen him once or twice in 1856.

1552. Do you remember his moving for the production of papers relating to the case of Ali Moorad in the House of Commons in 1856?—I rather think it was in 1857.

1553. Just look at this book (*handing a volume of the Journals to the Witness*)?—I always told Mr. Butt that I had not the slightest objection to any papers or publications he wished in the case being produced.

1554. Was there any other application made to you by him on behalf of Ali Moorad in June or July 1856; anything but the production of the papers?—I think, as I stated to the Honourable Gentleman, the Member for Sheffield, just now, he spoke to me about bringing forward a motion upon the India Budget. I told him I did not think it would be possible; that the forms of the House would not allow him; that I had no objection to the production of the papers.

1555. Was that at your office in Cannon-row, or in the House?—I should say it was in the House; but I am not certain.

1556. That was the notice given by him respecting the Indian Budget on the 4th of July 1856?—Yes; and in August, as I stated, Mr. Butt did attempt to bring his motion forward upon the budget, but was stopped by the Speaker.

1557. Mr. *Roebuck*.] Did you ever hear the name of Mr. Edward Coffey mentioned as acting secretary to Ali Moorad?—Not at that time. I have heard it since: but I had not heard it at that time. At that interview, which his Highness Ali Moorad was pleased to call his "audience of leave" with me, Mr. Coffey was present. I did not know that it was Mr. Coffey at that time. I observed a gentleman come in with him whom I did not know; I supposed him to be Mr. Coffey.

1558. *Chairman*.] Do you recognise that gentleman (*pointing to Mr. Edward Coffey*)?—It may be he.

1559. Mr. *Roebuck*.] Did you ever give authority to Mr. Butt to say to Ali Moorad, that Mr. Coffey must be dismissed from his service?—No.

1560. Then in fact you never interfered upon that matter?—Not the least. I had nothing to do with it. Ali Moorad was at liberty to employ whom he pleased as his agent; he did employ several persons. Sir FitzRoy Kelly, I know,

was one; and Sir FitzRoy Kelly, I believe, consulted Lord Ellenborough. Indeed, I know it, because I saw a memorandum of Lord Ellenborough upon his case. Lord Ellenborough took a very different view of his case to that taken by the Court of Directors, and a much stronger view than I did. But all these persons, I believe, gave advice to his Highness.

1561. So that no opinion was expressed by you respecting Mr. Coffey?—No. Mr. Coffey, after the breach took place between them, wrote to me to beg that I would set his character right. I answered him, merely acknowledging his letter, and I think I told him that my feeling was that I had nothing to do with either of the parties, and it was no business of mine. I was not called upon in my official position to set them right.

1562. Are you conscious of a telegram that arrived at the Foreign Office, respecting some language held by Mr. Coffey with regard to Ali Moorad's probable acts, after his arrival in India?—Yes.

1563. Did you take any steps with regard to that?—I told Mr. Butt that such a telegram had arrived.

1564. Did you give that telegram to Mr. Butt?—I dare say I gave him a copy of it; I believe I showed it to him.

1565. Thereupon, did you say, that it would have a bad influence upon Ali Moorad's fortunes in India?—No; what I said was this: the telegram was sent to the Foreign Office by Sir Hamilton Seymour; I do not know whether the Committee have the telegram; if they have, I would rather they would look at it than take it from my recollection. My impression is, that I stated that Ali Moorad had intimated, when at Vienna, that he was displeased with the Indian Government, and he was going to India with a hostile feeling towards the Indian Government, instead of going with the feeling which his Highness told me he would. He told me that he would long remember the kind pressure of my hand, and he would exert his own on behalf of the Indian Government against the rebels; Sir Hamilton Seymour's telegram was received, saying that this was all changed, and that his feeling was hostile; when I talked to Mr. Butt, as we had always understood that Ali Moorad, in going out, was to assist the Indian Government, I thought it my duty to mention this to him.

1566. But you in no way alluded to Mr. Coffey as connected with that telegram?—No; I do not think I knew Mr. Coffey's name at that time; I do not recollect; I may have heard it.

1567. And therefore, any statement that by your authority it was suggested to Ali Moorad to discharge Mr. Coffey is untrue?—Certainly, I had no power to discharge Mr. Coffey; I had nothing to do with Mr. Coffey; Ali Moorad was under no authority of mine. I told Sir Hamilton Seymour, as he expressed in that telegram a wish to know whether anything should be done to stop him, "We cannot stop him, he is at liberty to go wherever he pleases."

1568. Mr. Serjeant *Deasy*.] When Mr. Roebuck resumed the examination, I was asking about the notice given on Friday, the 4th of July 1856, in these terms: "Mr. Butt, on motion for going into Committee on the India Budget, to call attention to the petition of his Highness Meer Ali Moorad (presented 27th June), and to submit a motion on the subject of the confiscation of his revenues and territories by the Indian Government." That was the motion which I believe you say the Speaker afterwards considered he could not move?—I suppose the notice was the same as the motion which was made; in the Votes you will find the motion which was made.

1569. *Chairman*.] On a subsequent day the papers were moved for and granted?—Yes.

1570. Mr. Serjeant *Deasy*.] That was all the communication you had with Mr. Butt in 1856?—As far as I recollect, it was; the Chairman was kind enough to intimate to me that what I was to be examined upon related to the end of 1857.

1571. Do you remember about what time in 1857 this memoir was given to you by Mr. Butt; was it after the dissolution of the late Parliament?—I should think it was about May.

1572. That was about the time the present House met?—Yes; but Mr. Butt himself will probably recollect better than I do.

1573. You spoke of a memorandum of Lord Ellenborough with respect to Ali Moorad's case; was not that given to you by Mr. Butt?—It was; I understood that Mr. Butt at that time had seen Lord Ellenborough, or seen

The Right Hon. *R. V. Smith*, M.P.

27 Feb. 1858.

Sir FitzRoy Kelly, I am not sure which; but I considered for a great part of the time that the case was in the hands of Sir FitzRoy Kelly.

1574. Had you yourself interviews with Ali Moorad, or he with you, during 1857?—I saw Ali Moorad, I think, before ever I spoke to Mr. Butt upon the subject. As I have already said, I always wished to do all I could to show civility to the native princes here. I took in that respect a different view from what the Court of Directors did; they declined to see Ali Moorad; I said that I saw nothing in his case to lead me to believe that he was not a fit person to be received by myself as an official Minister of the Crown, and I saw him; I had, I think, more than one complimentary visit from him, and I do not think that Mr. Butt was present at any of those interviews, except the one when Ali Moorad came to take leave.

1575. Do you remember about what time he came to take leave; was it some time in August?—Yes, just before he was going.

1576. Do you remember upon that occasion its being suggested to Ali Moorad by you, or by anybody, that he should go quickly?—Yes, it was suggested by myself; I thought Ali Moorad would do best for himself to go out to India and exert himself for the Indian Government; and also he would do best for the public cause. It was of great importance, at that time, that a native chief of power and vigour should show himself in India on the side of the Government.

1577. Do you remember Ali Moorad asking Sir George Clerk, at any interview between him and you, whether anything would be done for him if he went out?—I think very likely he did. I do not remember the exact expression.

1578. *Chairman.*] I ventured to ask you to bring any correspondence which might have passed between you and Mr. Butt, in the month of July or August, as to that motion with regard to Ali Moorad's case, which was contemplated at that time; did such a correspondence take place between you and Mr. Butt in writing?—There was no public correspondence. As I mentioned just now, Mr. Butt's letters were marked "Private," or "Confidential," or with some heading of that kind, and my own letters I thought so little of that I did not even preserve copies of them.

1579. A witness has given to the Committee this evidence: at question 43, he is asked, "I allude now to a letter which was written to Mr. Butt by Mr. Vernon Smith, upon the subject of a certain notice that Mr. Butt said he was about to put upon the books of the House of Commons?" "That was in 1857."—"You recollect such a letter as that?" "Yes."—"By whom was that shown to you?" "By Mr. Butt."—"As purporting to be a letter from Mr. Vernon Smith?" "Yes."—"Did you see the letter?" "I did."—"Did you read the letter?" "I did."—"In what month in 1857 did you see this letter?" "July or August; I should rather say July." Now comes the important question. "What were the contents of that letter?" "As well as I recollect, Mr. Butt wrote to Mr. Vernon Smith to say that he would bring on the motion as to Ali Moorad. A particular paragraph, which struck me and pleased the Ameer, was that Mr. Vernon Smith hoped, at this unseasonable time, he would not bring on such a motion, as it would so much embarrass the Government." Now, first of all, have you any copy of that letter?—I have no copies of any letters that I wrote to Mr. Butt.

1580. In the absence of any copy of your correspondence, do you recollect such a letter being written by you, in answer to a declaration from Mr. Butt, that he would bring on the motion?—I have already stated to the Committee that my recollection of our oral communications was, that Mr. Butt and I both agreed that it would be extremely inconvenient, not to Lord Palmerston's Ministry, but to the public service, that a motion should be brought forward in the House of Commons, and therefore having said that orally, it is perfectly possible that I may have put it in writing. I do not recollect the exact expressions, but I am sure that I did nothing to deter Mr. Butt in any other sense from bringing it before the House of Commons. Happening to differ with the Court of Directors as to the view taken by them, it would have been rather a support for me than otherwise to have had the matter brought before the House of Commons.

1581. When did you officially receive Ali Moorad the first time; you said that you had granted him an official interview?—Yes; it was I think before I had any communication with Mr. Butt about him; I cannot state the date; my

my impression is that Mr. Butt certainly was not present at the first interview.

1582. A difference arose between you and the Chairs upon that subject of an official interview; did there not?—I have already mentioned that there did.

1583. The refusal of that interview was sought by the Chairs?—Yes, they refused it; I mentioned that just now.

1584. On what ground did they refuse it?—They refused it on the ground of his having committed a forgery, and, as they considered, he was a person unfit to be received by them. So I understood. The Chairs and I have constantly differed upon the reception of these persons. I ventured to recommend Her Majesty to admit the Queen of Oude to her presence. The Court of Directors very much objected to that; and in the same way with all these native princes, I have thought it much more my duty to be accessible to them than the Court of Directors have; and upon a principle which I am prepared to maintain.

1585. The previous President of the Board of Control and the Court of Directors were agreed upon the guilt of Ali Moorad, were not they?—Yes, they were.

1586. You are the first President of the Board of Control who has remitted, or been disposed to remit, any portion of the sentence?—I believe I am; but if I am to go into the political question, I have the authority of Lord Dalhousie for that; he thought the sentence severe.

1587. The Court of Directors have adhered to the decision arrived at conjointly by them and the previous President of the Board of Control, with regard to the guilt of the Ameer?—Yes; and they have always maintained that it was the duty of the President of the Board of Control to go into the House of Commons and act in defence of what they had done; that I did not consider my duty, and would not do it.

1588. Then the Court of Directors, adhering to their own opinion, and to the decision of previous Courts, answered the Ameer in the sense of adherence to their past decision?—They did; but I considered, when I came to the Board of Control, that I came there to exercise my own judgment, and not to maintain the recorded decisions of others.

1589. The paper which I now hand to you has been given to the Committee as the draft of that answer of the Court of Directors, and the red ink purports to be your correction of it?—I have no doubt that it is quite correct; yes, that is my correction.

1590. Is not that in fact a reversal of the decision of the Court of Directors in this case?—No; it is a mitigation of the decision of the Court of Directors; I do not know whether the Right honourable Chairman has seen the remonstrance of the Court of Directors, and my answer to it: that puts the case clear.

1591. The Committee have not thought fit to receive that document?—Then, if the Committee are now going into that question, and are going to canvass my decision, I think that they should see the other documents.

1592. The Committee wish to ascertain the fact as to the extent of the difference between you and the Court of Directors in the treatment of Ali Moorad?—Then the Right honourable Chairman must consider the whole case of Ali Moorad. Ali Moorad's claim was a much larger one than that alteration concedes to him. On my part, all that I said was, as I have previously stated, that Ali Moorad's case had, I thought, been dealt with excessively in the way of punishment; and that he having behaved himself well for eight or nine years, I thought he had a fair right to plead something in mitigation of that sentence, and therefore, to that extent, I wished it to be reconsidered. The sentence, I may remind the Chairman, was, that he having committed a forgery whereby he acquired the right to a larger extent of territory, he was mulcted in the whole of his territory, whether acquired by that forgery or not. That the Indian Government were right in taking away from him the territory that he had acquired by the forgery, I quite admitted, but that they had any reason for going beyond that, and taking away the whole of his rights and privileges, I denied.

1593. Was the particular mitigation in regard to the Turban lands suggested by Mr. Butt in the first instance, on behalf of Ali Moorad, as a possible adjustment of the case?—I do not understand that.

The Right Hon. *R. V. Smith*, M.P.

27 Feb. 1858.

1594. Was any such mitigation contemplated by you, and recorded by you as your opinion, before your interviews with Mr. Butt?—I have stated before that I never went the length which Mr. Butt did. I meant to leave it to the local government in India to reconsider the sentence; that was my feeling.

1595. I understood you to say that the mitigation which was contemplated by you was a remission of the sentence with reference to the Turban lands, but not going to the whole of the lands?—No, I never stated that I meant even to go that length. I meant to leave it entirely to the Bombay Government.

1596. You have stated your opinion to the Committee that the remission of the sentence with regard to the Turban lands was just?—No, I thought that the punishment was excessive. I never gave an opinion upon what portion should be remitted, or any portion of it.

1597. Is it put upon record that in your opinion, before your interviews with Mr. Butt, you thought that some mitigation was in justice due to Ali Moorad?—No, I had no occasion to do so.

1598. In point of fact, any record of opinion in favour of mitigation must have been subsequently to your interviews and communications with Mr. Butt?—It may very likely have been subsequent to my first interview with Mr. Butt, because my interviews with Mr. Butt drew my attention more particularly to the case of Ali Moorad. I believe I have stated that the case was decided long before I came into the office, but when my attention was called to it, that was the view I took of it.

1599. And you decided adversely to the opinion of the Court of Directors?—My opinion was never asked before I came to the office.

1600. The opinion that you formed was adverse to the opinion which had been formed?—It was not the opinion which I should have formed if I had had to express an opinion at that time.

1601. Mr. *Bright.*] Did I understand you rightly to say that you do not remember having seen Mr. Coffey at the Board of Control more than once, upon the occasion when Ali Moorad was taking leave?—I think that was the only occasion that I saw Mr. Coffey.

1602. Personally, you are quite sure that you had no communication with him upon this case?—I am almost sure of it; I was asked to recognise him just now, and I hardly know him by sight.

1603. You have no recollection of his coming to the Board of Control with Mr. Butt, and seeing you?—No; if he did he took very little part in the conversation. If you are going to examine Mr. Butt, he will be much better able to say; something may have fixed it upon his memory, though it is not fixed on mine.

1604. With regard to the modification which you were disposed to recommend in the case of Ali Moorad, did that in any way arise from the pressure put upon you by the suggestion of Mr. Butt, that the case would be brought before Parliament, or was it from a re-examination of the circumstances of the case itself?—I was in constant communication with Mr. Butt; I do not know what the Honourable Member means by "pressure." It was of very little consequence to me whether it was brought before Parliament or not; I had not the least wish to prevent its being brought before Parliament, except the wish that every man must have, not to argue a case to empty benches.

1605. Mr. Serjeant *Kinglake.*] I understood you just now to state that your view of the matter was, that it would be better to leave this matter for discussion with the Bombay Government?—Yes.

1606. Did you communicate that fact to Mr. Butt?—Yes; I should say, certainly.

1607. Did you make that known to him as your opinion?—I should say so, certainly; I should have no scruple in saying so.

1608. Mr. *Bouverie.*] When did you write to Lord Elphinstone upon the subject?—By the mail previously to Ali Moorad's going out.

1609. In August?—Yes.

1610. Did you communicate to Mr. Butt the circumstance of your having written to Lord Elphinstone?—I think probably I did.

1611. Can you remember whether you had any interview with Mr. Butt during the period between your receipt of that draft letter to Ali Moorad from the Court of Directors, as it had been settled by them, and its being retransmitted by you to the Court as corrected in the interval?—No; unless you could tell me the date.

1612. Between

1612. Between the 12th of August and the 19th or 20th of August?—I should say most probably I had. I think Mr. Butt came to me frequently at that period—very likely.

1613. Did you communicate that draft, or the corrected draft to Mr. Butt?—I did not communicate the words, because it is never my habit to do so. I very likely told him that it was my intention to send out a similar letter. I had no scruple in telling anybody that.

1614. *Chairman.*] The date of the letter, as corrected by you, is the 19th of August?—Yes.

1615. Do you think that on the 19th or 20th of August Mr. Butt, or if not Mr. Butt, Ali Moorad, was aware of the alteration that you had made, and the decision to which you had come?—I think he was, probably, after I had made the correction. I do not think that in the interval alluded to by the honourable Member he would have been. My usual course was not to make any communication until the thing was finally decided.

1616. The decision appears to have been on the 19th of August; to the best of your recollection, was Mr. Butt or Ali Moorad, on the 19th or 20th of August, aware of the decision to which you had come?—I cannot speak to dates offhand. My impression would be, from my usual habits of official intercourse, that until it was finally decided it was not communicated to the parties.

1617. Mr. *Bouverie.*] Did Mr. Butt bring forward that motion upon the India Budget publicly, upon which he was stopped by the Speaker?—Yes; you will see it in the debates of 1856.

1618. *Chairman.*] Mr. Butt took no part in Parliament with regard to this matter in 1857, I believe?—He moved for some papers in March 1857.

1619. Not Sir FitzRoy Kelly?—No; Sir FitzRoy Kelly gave his notice from May 1857 to August; he repeated it every week.

1620. Mr. Butt's only motion for papers in this case in 1857 was in March before the resolution?—The papers bear date in March, I remember. I suppose he moved for them a few days before.

1621. That was in the last Parliament?—Yes; and in the present Parliament the case was taken up by Sir FitzRoy Kelly.

1622. Mr. Butt made no motion in the House in the present Parliament?—I do not recollect Mr. Butt making any motion in the House.

1623. Mr. *Bouverie.*] Were your conversations with Sir FitzRoy Kelly as frequent as your conferences with Mr. Butt on the same subject?—I do not recollect that I had any conversation with Sir FitzRoy Kelly on Ali Moorad's case. I mentioned just now that he asked a question in Parliament on this case; but the interview which I had with Sir FitzRoy Kelly, which I mentioned for the purpose of showing my habits of intercourse with Members of Parliament on Indian cases, were relating to the Nawab of Surat.

1624. Mr. Serjeant *Deasy.*] Those papers which you say Mr. Butt moved for in March 1857, were not the papers that had been remitted from the previous return?—I corrected that just now by saying that they were papers presented in the year 1857. I have not the papers before me; the Committee may procure them to see when they were moved for. I see they were "Ordered to be printed in March 1857; dated East India House, 16th February 1857; return to order dated 1856." Mr. Butt did not move for any in 1857. This is a return to an order of 1856.

1625. *Chairman.*] It was a previous order at the end of the Session of 1856?—Yes.

1626. It would be invidious to mention names, but I will ask you a general question. With regard to interviews with Members of Parliament upon Indian cases, are there any exceptions to gentlemen so seeking interviews, being also members of the legal profession?—I must answer that by a question. Do you mean members of the legal profession now practising, or that have been practising?

1627. I mean barristers, Members of the House of Commons?—No, I should say that they were not confined to members of the legal profession. Do you mean as to the cases of native princes?

1628. Yes?—My impression is, that I saw on the case of the Nawab of Surat Members of Parliament who were not of the legal profession. I have frequently had conversations upon the rights of native princes with Members of Parliament in the House, not members of the legal profession.

The Right Hon. *R. V. Smith*, M.P.

27 Feb. 1858.

1629. Mr. *Bouverie.*] Are those interviews very frequent with Members of Parliament with respect to the cases of grievance of Indian princes?—Yes.

1630. Colonel *Wilson Patten.*] Had you any knowledge, in those interviews with Sir FitzRoy Kelly and Mr. Butt, or any of those gentlemen, that they were specially and professionally retained for the parties for whom they appeared?—Do you mean that they received fees?

1631. Yes?—I had not the slightest idea. I have heard it generally stated, as I dare say you have, that Members of Parliament and people who advocated Indian claims received presents for it; it was not to my knowledge.

1632. Mr. *Roebuck.*] Were you aware that the persons who called upon you as Members of Parliament, advocating the cause or speaking in favour of certain princes, also received fees as lawyers?—To that I answer, decidedly not.

1633. Sir *W. Codrington.*] That you were not aware of it?—No.

1634. Mr. *Roebuck.*] Do you know a person by the name of Ali Akhbar?—Yes.

1635. Do you recollect a statement made by him, that Mr. Coffey had not accounted for certain sums of money to the Ameer?—No, I do not think it was named to me.

1636. You have no recollection of it?—I have no recollection of it; I should repeat again that I never took the slightest heed of the quarrels or the disputes, whatever they were, between persons who were the friends of Ali Moorad; I considered that I had only to deal with the Prince himself.

1637. Are you quite sure that Ali Akhbar never made any statement to you of defalcations on the part of the servants of Ali Moorad?—I do not think he did to me; but it may have escaped my memory, for this reason, that I should not have paid much attention to it if he did.

1638. Had you interviews on behalf of Ali Moorad with Ali Akhbar alone?—No, I think it was always with Ali Moorad when Ali Akhbar came.

1639. Mr. Serjeant *Kinglake.*] The question which was put to you was this, whether you were aware that several gentlemen whose names were mentioned had received fees as lawyers; did you understand that they were fees to appear before you, or fees as lawyers elsewhere, advising Ali Moorad with regard to his claims?—I had not the slightest idea, from my own knowledge and information, that any persons who came to urge a claim upon me had any pecuniary interest in it whatever, or I do not think I should have seen them.

1640. *Chairman.*] Had you been cognizant that success with you was made the condition of any payment to any person, whether Member of Parliament or otherwise, you would not have entertained any communication from them?—I should say certainly not. If any gentleman had ventured to talk to me of pressure (as was stated by the honourable gentleman the Member for Birmingham) in the House of Commons, I do not think I should afterwards have seen him. I may have entertained a common idea with any person who came to me, that it was undesirable for the public service that anything of the kind should be brought before the House of Commons; but if it was held out as a threat, I hope I should have declined intercourse with that gentleman.

1641. Independently of threats, if you had been cognizant that success with you was the condition of pecuniary benefit to the person seeking to communicate with you, would you have broken off that communication?—Certainly.

1642. Mr. *Roebuck.*] I will read to you a passage from a letter addressed by Mr. Butt to Mr. James Coffey, and then I will ask you a question upon it; he says: "On the 14th I happened to call on Vernon Smith on a totally different matter; he told me he had just had an official letter, and then mentioned its contents; you will know them by reading documents one and two, which I enclose. He told me that he attached no credit whatever to the information; that he had deemed it to be disingenuous, but that as he and I placed confidence in your brother, he could not know of this without placing it in my hands. This is the outline of a conversation, the details of which I will fill up when we meet." Do you recollect ever having any conversation with Mr. Butt with respect to Mr. Edward Coffey, and his conduct towards Ali Moorad?—I think not; not before Mr. Coffey left England, certainly.

1643. Then this statement is incorrect: "He told me that he attached no credit whatever to the information" (referring to the telegram from Vienna); "that he had deemed it to be disingenuous, but that as he and I placed confidence

confidence in your brother he could not know of this without placing it in my hands"?—I certainly never said that I placed confidence in Mr. Coffey, for I did not know him; I do not know what it alludes to; the Honourable Member has only read a portion of the letter.

The Right Hon. *R. V. Smith*, M.P.

27 Feb. 1858.

1644. Perhaps you will allow me to read to you several paragraphs of this letter: "My dear Coffey,—It is with the deepest pain that I write to you the marvellous history of the events that have brought me here; the best way I can do it is to tell you them in the order in which they came to my knowledge. When I got to London, I found by the 'Times,' that the Ameer only got to Vienna on the 7th September; this, of course, fully confirmed my conjectures about his leaving Paris. On the 14th I happened to call on Vernon Smith on a totally different matter; he told me he had just sent me an official letter, and then mentioned its contents; you will know them by reading documents one and two, which I enclose. He told me that he attached no credit whatever to the information; that he had deemed it to be disingenuous; but that as he and I placed confidence in your brother, he could not know of this without placing it in my hands. This is the outline of a conversation, the details of which I will fill up when we meet. The other document mentioned in Sir George Clerk's letter is a memorandum (I know left by Ali Akbar) representing that your brother had got money from the Ameer which he did not account for, and requesting that Freere might see the Ameer righted. This was treated as a mere piece of spite until the astounding telegram came from Vienna." Do you recollect that?—The first part of the conversation relating to the information I have already stated to the Committee, that I communicated to Mr. Butt. I probably stated it to Mr. Butt when I saw him on the day he mentioned, when I did not believe the Prince would alter his opinion as regarded the Indian Government, which I suppose is what he means by saying that I did not credit the information. I do not consider that I "deemed it to be disingenuous." I do not see how it applies. Then as to that passage, "as he and I place confidence in your brother," I think that it must have been a pure mistake on the part of Mr. Butt. I could not place confidence in a man whom I never knew.

1645. *Chairman.*] Look at the paragraph the last but one on the same page: "I resolved to come out here myself; I brought Langley with me to interpret, and Irwin. I did all this with the most cordial approbation of Vernon Smith; he gave me permission to use the official documents, as I might see fit, and also gave me a letter to Sir Hamilton Seymour"; is all that correct?—When he says "cordial approbation," what I did was this: Mr. Butt told me he was going to Vienna to see this set right, and to see whether the Ameer was inclined to stay instead of to go; I told him I thought it was extremely desirable he should go.

1646. You gave him a letter of introduction to Sir Hamilton Seymour?—I gave him a letter of introduction to Sir Hamilton Seymour, who was an old friend of mine; it was a letter in the ordinary course, saying he was a Member of Parliament travelling on business, and hoping that he would receive him civilly, which I believe he did.

1647. Mr. *Roebuck.*] Was there any conversation at the time about Ali Ackbar's statement?—No, I do not remember it; I think by this letter that Ali Ackbar's statement was made to Sir George Clerk.

1648. Mr. Serjeant *Deasy.*] Will you see if that is the letter sent by Sir George Clerk by your directions to Mr. Butt (*handing a paper to the Witness*)?—Yes.

(*A letter dated "India Board, September 14th, 1857," and addressed to Mr. Butt, was read.*)

Vide Appendix.

1649. Is that the memorandum referred to in Sir George Clerk's letter (*handing a Paper to the Witness*)?—This is the memorandum to which you allude, charging Mr. Coffey with defalcations; I have no doubt it is correct, if Sir George Clerk sent it (*the Memorandum was read*).

Vide Appendix.

1650. Mr. *Roebuck.*] In whose writing is that memorandum?—I think it is one of the clerks in the office.

1651. Do you know the handwriting?—I know the handwriting is that of one of the clerks; I could not give his name.

1652. In that memorandum, it is stated, amongst the sums not accounted for, "Also a further sum of money was paid to him in this country; a cheque

The Right Hon. *R. V. Smith*, M.P.

27 Feb. 1858.

for 300 *l.*" (I beg you to mark that); and at the bottom, it says that Mr. Coffey took his Highness to the Commercial Bank, and insisted on his Highness drawing and cashing a bill on Bombay for 2,000 *l.* Now, did Mr. Butt ever explain to you, that he, Mr. Butt, had received both those sums of money?—I never heard a word about it.

1653. That memorandum you gave to Mr. Butt?—Sir George Clerk sent it to Mr. Butt by my orders.

1654. Did Mr. Butt ever explain to you that that 300 *l.* and that 2,000 *l.*, which was attributed to Mr. Coffey as a defalcation, he himself, Mr. Butt, had received?—No.

1655. Mr. *Bright.*] Where did the Board of Control or the person who drew out that document get the facts?—I imagine from Ali Akbar, I think it says so in the covering letter.

1656. *Chairman.*] You cannot supply the source from which the information was obtained?—No.

1657. Mr. *Bright.*] I thought you said Ali Akbar gave the information to the Board of Control?—He communicated frequently with Sir George Clerk. Sir George Clerk is an eminent Orientalist, who understands those persons better than I do, and when I communicate with them, I have frequently to use Sir George Clerk as an interpreter.

1658. Colonel *Wilson Patten.*] You have no doubt that Sir George Clerk will know the source from which the facts contained in this memorandum came?—I think so.

1659. Mr. *Roebuck.*] You told Sir George Clerk to send this memorandum to Mr. Butt?—By Sir George Clerk doing it, I conclude that he had what is called "passed it through me." He is the permanent secretary who manages these details.

1660. Was any explanation of these items ever afterwards made to you?—Not that I remember; but it is always much better to ask for the papers at once than to tax my memory with it, because many of these things have not engraven themselves upon my memory. If the official record is there, you can obtain it immediately.

1661. Mr. Serjeant *Deasy.*] Was not the conversation which you had with Mr. Butt immediately before his going to Vienna exclusively confined to the information communicated by the telegram?—Yes. Mr. Butt was very much annoyed, of course, as in all the interviews I had with him, it was an understanding that Ali Moorad had a view favourable to the Indian Government, and I was not at all surprised that Mr. Butt should be extremely annoyed at his having taken a different course after he left him, or that he was anxious to see him to ascertain whether it was true or not; it seemed the natural course for a man of honour to take.

1662. Your communication with Mr. Butt upon that occasion was confined to that?—It was chiefly confined to that subject. I cannot say whether he did not at that interview, very likely he did, say that Mr. Coffey had done wrong, or something of that kind. I have no doubt he mentioned his name as the person with Ali Moorad.

1663. Mr. *Roebuck.*] As Mr. Coffey's character or conduct was impugned, there was no explanation given of those two sums which are there as a charge against Mr. Coffey, namely, the 300 *l.* and the 2,000 *l.* having been received by Mr. Butt himself?—Certainly not. I never heard that they were received by Mr. Butt himself. I do not remember that Mr. Butt made any answer to that communication. That, as I say, you can get from the office itself; it will be official.

Mr. *Robinson Tunstall Elsdale*, called in; and further Examined.

Mr. *R. T. Elsdale.*

1664. *Chairman.*] HAVE you got the bill of costs?—I have.

1665. Hold it in your hand. We do not want to know any of the items of the account, or the heading of those items; we merely wish to fix certain dates. The question of the dates will be put to you, and you may refresh your memory with respect to those dates by referring to the bill of costs.

1666. Mr. Serjeant *Deasy.*] Can you tell the Committee, by reference to your bill of costs (I do not want you to read any entry), the dates at which consultations

consultations respecting the Ameer's affairs were held in the year 1856?—Yes, I think I can. Mr. *R. T. Elsdale.*

1667. And the persons who attended?—On the 22d of July 1856 there was a consultation of counsel, where Sir FitzRoy Kelly and Mr. Ayrton were present. 27 Feb. 1858.

1668. Was Mr. Butt present at that consultation?—Yes, Mr. Butt was present at that meeting.

1669. When was the next; just give us consecutively the dates?—The next was on the 13th of August.

1670. Was Mr. Butt there then?—I think he was not. There were Sir FitzRoy Kelly and Mr. Karslake. I did not attend that consultation myself; but from what appears here, and from what I have heard, Mr. Butt was not there.

1671. Mr. *Roebuck.*] Does Mr. Butt's name appear in the first item?—Yes.

1672. Mr. Serjeant *Deasy.*] It does not appear in the second?—It does not appear in the second.

1673. Give me the next consultation at which Mr. Butt was; the intervening ones I do not want?—1857 we come to now, I think.

1674. Mr. *Roebuck.*] How many times did Mr. Butt attend in 1856?—Once; I do not find the name of Mr. Butt, as attending any of the subsequent ones. There were consultations at Sir FitzRoy Kelly's chambers on the 14th of January. I will just look to the 23d of February; I find on the 23d of February Mr. Butt's name is not mentioned here as having attended; I was out of town that day myself. I have an idea that Mr. Butt was to have attended that consultation, but it is not mentioned here.

1675. Was there any other consultation after that, at which Mr. Butt attended?—No; at a subsequent consultation on the 11th of March, Sir FitzRoy Kelly and Mr. Cairns are named.

1676. Was Mr. Butt there?—I do not find his name at any of these; on the 21st of April there was one, and on the 23d of April his name is not mentioned down here; in fact, the only one in which his name is mentioned is the first one that was held; but I have the impression that he certainly attended one; I was out of town that day; I have the impression that it was contemplated that he should attend that one.

1677. That was the one in February?—His name is not mentioned any more; I understood it was intended that he should attend.

1678. Mr. *Bright.*] Do you think he did attend?—I think he did.

1679. Mr. Serjeant *Deasy.*] Did your partner give him any fee for attending that consultation in July?—No; certainly he never got any fee through me or my partner.

1680. Have you any entry in your bill of costs, showing that he was offered a fee?—No.

1681. Is there any entry about his being offered and his declining a general retainer?—No; there is no such entry in our books.

1682. In your bill of costs is there any such entry?—No.

1683. Look about April or May, 1857, and see if there is any such entry?—I have looked at those dates.

1684. Do you find any such entry as to any offer of a retainer?—No, clearly not; I will look again.

1685. Any entry respecting a retainer?—I have been through the bill, and I am almost certain of the fact that there is no such entry, but I will look again, if you will give me any particular day.

1686. Is that an exact copy of the bill of costs?—It is a draft of the bill of costs, of which a copy has been furnished to the Ameer. (*The Witness inspected the bill of costs.*) I cannot find such an entry.

1687. Do you know, yourself, or can you tell the Committee, from any entry in your books, whether any resolution or opinion was come to on behalf of those who were acting for the Ameer, that Mr. Butt should not make any further motion, or take any further proceeding respecting his affairs in Parliament?—I do not know whether I ought to answer that question; I think it is as to the policy of the Ameer's proceedings; I object to that question.

1688. *Chairman.*] You are unwilling to answer that question?—I think it is rather opening the door to my being asked questions of policy.

1689. You are the solicitor of Ali Moorad?—Yes.

1690. And any communications with reference to the course to be taken, either

Mr. *R. T. Elsdale.*

27 Feb. 1858.

either with the Government or in Parliament, were communications of which you were cognizant as the solicitor; is that so?—That is so.

1691. And as the confidential agent of Ali Moorad, you object to answer that question?—I think I ought not to answer it.

1692. Colonel *Wilson Patten.*] Will you point out more in detail your objections to answering?—There were a great many consultations, at which the policy of the course to be taken on behalf of the Ameer was discussed. I am afraid to begin to answer any questions as to what was the advice we got from our counsel, Sir FitzRoy Kelly, and others, as to the policy to be pursued, as to the steps we took, and those steps we considered and did not take.

1693. *Chairman.*] Allow me to suggest to you that you had better not anticipate questions which you fear may be put; fix your attention upon the question which is put; do you see any objection to answering this question?—No, not that particular question, if it stops there. I told the Committee yesterday, that personally I did not know the details of this business; my partner, who is abroad, had it in hand. I will look at the book and see whether anything occurs as to that. (*The Witness referred to the bill of costs.*) If I am bound to answer the question, I can say in May there were certain steps which were proposed to be taken by or through Mr. Butt; that I find here entered; my partner intimated then that he considered that as he was the confidential legal adviser of the Ameer, acting under the advice of Sir FitzRoy Kelly, no step should be taken except under his advice, guided by Sir FitzRoy Kelly; and certainly there was an objection to certain steps which were proposed to be taken by Mr. Butt. I am afraid I am being led into statements which I ought not to make.

1694. Mr. Serjeant *Deasy.*] Was not it arranged after conference with Mr. Butt, that he should not bring forward the case in Parliament?—From my own knowledge, I cannot state that; it does not appear upon this bill of costs.

1695. Mr. *Bright.*] Does it appear in any document that is in your possession?—I do not think it does; I will have search made, if you please.

1696. Mr. *Roebuck.*] The objection, I understand you to say now, was to a certain course proposed to be taken by Mr. Butt, not generally?—I did not say proposed to be taken by Mr. Butt.

1697. To a certain course that was to be taken by Mr. Butt, but it was not generally to Mr. Butt interfering?—You may assume that Mr. Hunt, if he had the responsibility of conducting certain things, would certainly wish them to be done by him and through him.

1698. Mr. Serjeant *Deasy.*] Through whom?—Through Mr. Hunt, through his regular counsel; he certainly wished that.

1699. Mr. *Roebuck.*] The objection then was to the form in which the thing was to be done?—I will not say that only. If I am asked the question, there were certain objections to a certain course of policy which was proposed to be adopted.

1700. Mr. *Bright.*] Was it objected that Mr. Butt should bring forward any case in Parliament on the part of the Ameer because he was engaged as the legal adviser of the Ameer?—No.

1701. Mr. *Roebuck.*] Was the objection made because the matter did not go through your partner?—No, I do not think that was the objection; that certainly would have been one objection, because it would be more regular and proper to have gone through the usual professional course; but I do not say that that was the objection.

1702. Mr. Serjeant *Deasy.*] Without mentioning any names, was not it considered advisable in the month of May 1857, that other persons besides Mr. Butt should make any motion, if any motion were to be made in Parliament on behalf of the Ameer?—Other names certainly were mentioned.

1703. Was not there a distinct engagement with Mr. Butt to that effect by his own consent?—I cannot say of my own knowledge how that was.

1704. Can you say from any entry on the bill of costs?—There is nothing on the bill of costs which supports that.

1705. As I understand, you or your partner never paid any fee to Mr. Butt?—No.

1706. Mr. *Roebuck.*] Had you any conversation with Mr. Coffey about giving fees to Mr. Butt?—No; as I said before, I had not very much to do with it personally; I certainly had no conversation with Mr. Coffey.

Mr. *David Coffey*, called in; and further Examined.

1707. Mr. Serjeant *Deasy.*] YOU spoke in your evidence of having paid Mr. Butt a fee of five guineas for a consultation with your brother, and produced the docket?—Yes, a conference.

1708. At that conference did not they discuss or consider the question as to whether the Ameer had any redress, or could obtain any redress, through the medium of the courts in this country?—Well, no, it was not; it was altogether with reference to the petition.

1709. Are you sure of that?—I am.

1710. Can you tell the Committee what fees altogether you paid to Mr. Butt?—I paid him that five guinea fee in 1856, and the other fee that passed through my hands was the cheque referred to in the evidence which has been read to me; that was in Dublin; they were the only two things that passed through my hands.

1711. Mr. *Roebuck.*] You were asked at question 1434, "Have you since that paid any fees to Mr. Butt?" and you said, "No, I have paid none." That is an incorrect answer, is it not?—With the exception of the cheque that passed through my hands, that is the only one.

1712. Do not you call that a fee?—It was a fee, certainly.

1713. For what purpose?—For the purpose of enabling Mr. Butt to proceed from Dublin to attend the conference or consultation that was to be in London.

1714. That is to say, you gave him a fee to pay his travelling expenses?—I looked upon it myself in that light; I looked upon it, that leaving Dublin to attend at that consultation, it was unfair to put him to the expense of going over.

1715. Did you know what that consultation was to be about?—About the Ameer's business.

1716. Generally?—Yes, generally.

1717. Was there any conversation between you and Mr. Butt about the despatch that was to be sent to Bombay in favour of Ali Moorad?—Yes, I had one conversation with Mr. Butt in Dublin about that, in the hall of the courts, I think it was.

1718. What date was it?—It was before my last visit to London; some time before that; the last time I came to London was the 7th of August 1857; it was before that, shortly before that.

1719. What was the purport of that conversation?—Mr. Butt told me that a despatch was either going, or to be forwarded to the East Indian Government, restoring to the Ameer a portion of his territory, and giving him as compensation a sum of money, 45,000 *l.* for the forts and the services that he had rendered to the British; that he was to get the sum of 45,000 *l.*

1720. And did he tell you by whom that despatch was to be sent to India, or how he had heard the fact?—He told me that the despatch was to go from the Board of Control.

1721. Did he tell you how he had heard the fact?—He did not.

1722. You did not ask him?—I did not; I took it for granted that he had the information from that quarter itself; I did not ask the question; from the conversation, I thought of course he must have had it from the Board of Control.

1723. So that from the tenor of the conversation you concluded that Mr. Butt had that information from the Board of Control?—Certainly I did.

1724. Did Mr. Butt tell you that he had communicated that information to the Ameer?—No, I have no recollection of that.

1725. Did Mr. Butt tell you that that was held out to the Ameer as one of the circumstances that should induce him to go out to India?—Before the Ameer left this country, I understood that it was.

1726. Did you understand that from Mr. Butt?—I understood from Mr. Butt that a proposition to that effect had been made to the Board of Control; and that that proposition, or compromise, was under consideration.

1727. Now, again, did Mr. Butt give you to understand that that despatch so returning the Ameer, or giving him 45,000 *l.*, was one of the inducements held out to lead the Ameer to India?—Oh, yes, it was.

1728. Mr. *Bouverie.*] Will you be good enough to look at the letter (*at the end*

Mr. *D. Coffey.*

27 Feb. 1858.

end of the First Appendix); is that a letter written by you to Mr. Edward Coffey, your brother?—It is.

1729. Did you enclose those bill stamps which are there referred to, to your brother Edward?—I did.

1730. Who gave them to you?—Mr. Butt.

1731. Did Mr. Butt make any statement to you at the time he handed them to you?—I do not know whether the Committee will consider that, this being a portion of the Ameer's private business, I should be justified in making any statement with regard to those bills.

1732. Do you object to state what statement was made to you by Mr. Butt at the time he gave you those bills?—I am under the guidance of the Committee; if they desire it, I shall do so; but I think it is a matter of the Ameer's business.

1733. *Chairman.*] Is that your handwriting (*the Indorsement of the Bill Stamps being shown to the Witness*)?—It is.

1734. "Butt 5,000 *l.* six months," "Butt 2,000 *l.* four months," and "Butt 1,000 *l.* at sight;" those indorsements are your own handwriting?—Yes.

1735. They were enclosed in this letter?—Yes.

1736. So indorsed by you?—Yes.

1737. *Chairman.*] Having stated that those stamps are indorsed by you in your handwriting, it appears to be a matter between you and Mr. Butt, and not between the Ameer and you, unless you can show in what respect your statement will violate your confidence with the Ameer?—I think that passing these bills to Mr. Butt must be considered to affect the Ameer, and, as his solicitor, I do not think I would be justified in disclosing any matter that would in any way interfere with his rights.

1738. Colonel *Wilson Patten.*] In what way does that prevent your answering the question?—I am in the hands of the Committee; if they desire me to answer the question I shall do so at once.

1739. *Chairman.*] We wish to hear exactly the nature and extent of your objection, and how you think your answering that question would damnify the Ameer?—I think it would.

1740. In what respect?—If there was anything wrong or incorrect in passing those bills to Mr. Butt, or rather in forwarding those bills for the purpose of being accepted by the Ameer, I might injure his rights before the House of Commons hereafter, if it was necessary to have his case before it.

1741. *Chairman.*] I do not see that your objection applies to the question put to you. You admit that you forwarded the bill stamps indorsed in your own handwriting to your brother, to be made payable to Mr. Butt, and at his request?—To Mr. Edward Coffey I forwarded them.

1742. You admit that?—Yes.

1743. Mr. *Bouverie.*] Did Mr. Butt make any statement to you at the time he handed them to you?—He did.

1744. What was it?—The first I heard of this transaction about the 10,000 *l.* was upon my arrival in London in August; I heard nothing of it before; I was no party to it.

1745. Mr. Serjeant *Kinglake.*] You are asked what was said by Mr. Butt; confine yourself to that?—Mr. Butt, after receiving the sum of 2,000 *l.*, stated to me that there was a further sum to be secured to him of 8,000 *l.*, and that that sum was to be secured by bills; three bills, made at short dates, to be made available at once to be turned into cash, and one at a long date not to be made available for the present; that he had arranged that with Mr. Coffey.

1746. Mr. *Bouverie.*] Mr. Edward Coffey?—Yes; Mr. Butt purchased the stamps, and according to his direction I indorsed upon the bills the dates and the amounts. I did not draw the bills, because I felt at the time that there might be some different mode of drawing bills in India, and that it would be better to send them blank, and have them drawn according to form, and my brother Edward being conversant with the forms for foreign bills, I sent them to him in that state, putting the amounts upon the back, and the dates.

1747. How came Mr. Butt to ask you to send the bills to your brother?—I went by appointment to meet Mr. Butt the day he received that money.

1748. What money?—The 2,000 *l.* which Mr. Butt received, as he stated afterwards to me, from the Ameer. He left the bank and went with the Ameer

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and Mr. Edward Coffey to the Post-office; I went after them; I walked; I did not go in the carriage; it was a very warm day; I thought it would be very uncomfortable in the carriage; I walked myself to the Post-office, where I knew Mr. Edward Coffey would have some delay, and I met Mr. Butt at the Post-office, and we proceeded together from the Post-office to some shop, where those stamps were procured. Mr. *D. Coffey.* 27 Feb. 1858.

1749. Mr. *Bright.*] This all happened in London?—Yes.

1750. Mr. *Bouverie.*] That is not an answer to my question; I want to know how you came to forward the bills to your brother, Mr. Edward Coffey, and not Mr. Butt?—Mr. Butt desired me to do so, and I had arranged with Mr. Edward Coffey to forward them.

1751. Did he state to you any reason why he wished you to send the bills, and did not send them himself?—The bills were to be returned to me, and handed by me to Mr. Butt.

1752. Did Mr. Butt give you any reason why you were to forward the bills to your brother, and not himself?—No reason at all.

1753. Mr. *Bright.*] Did you consider yourself acting as a solicitor in the case in transacting this affair of sending the blank stamps, and receiving them back again?—I did.

1754. Mr. Serjeant *Kinglake.*] I see you mention Mr. Butt's name in the letter in which you enclose the stamps?—Yes.

1755. "I beg of you to send Butt the bills"?—Yes.

1756. You sent as an attorney communicating to your brother those bills, which had reference to a sum of money which was hereafter to be paid upon those bills to Mr. Butt?—Yes.

1757. And to be returned to Mr. Butt?—To be returned to me; that was my letter to my brother; I considered he was to enclose the bills to me.

1758. Mr. *Roebuck.*] Did Mr. Butt tell you that there was any condition affixed to drawing those bills?—He did.

1759. What was it?—Mr. Butt told me that he was to receive a sum of 10,000 *l.* for going to India; there were 3,000 *l.* of that to be paid, and the balance secured by bills.

1760. But the balance is 8,000 *l.*?—£. 3,000, and the balance to be secured by bills; he got a sum of but 2,000 *l.* instead of 3,000 *l.*, and then the balance of 8,000 *l.* was to be secured by bills; in fact, up to the time he got the 2,000 *l.*, he thought he would have got the 3,000 *l.*, and I was under the same expectation, that it would be 3,000 *l.*

1761. You have not quite comprehended the question I put; was any stipulation made that Mr. Butt should do anything before the bills were filled up?—No stipulation.

1762. Was anything said about a despatch?—No; he was to go to India. That was the only stipulation. I understood that he was to proceed to India upon getting those bills.

1763. And there was no condition precedent to the making of those bills on the part of Mr. Butt?—No; not that I am aware of.

1764. Mr. Serjeant *Deasy.*] Did not you tell or communicate to Mr. Butt at any time that you had been always the sole solicitor to the Ameer, and that the Messrs. Hunt were the Parliamentary agents only?—I may have said that to him; very likely I did.

1765. Did you tell him that you were very angry when you found that Ali Akbar had paid Messrs. Hunt's bill, as the Parliamentary agent ought always to be paid by the solicitor?—I did.

1766. Can you tell us when you first became acquainted with the arrangement about Mr. Butt going to India; about what time?—Not till I came over to London.

1767. When was that, the 7th of August?—Yes, not until after that.

1768. From whom did you learn it first, from Mr. Butt?—From either Mr. Butt or Mr. Irwin; I could not say which; they both were talking of it; they both told me of it.

1769. *Chairman.*] In the letter which you have before you, addressed to your brother Edward, you will find this passage: "In fact, all you left behind seem to think that they have shared badly;" does that include Mr. Butt?—It includes myself.

1770. Mr. Butt was left behind among the others; did it include Mr. Butt?—No, it did not.

Mr. *D. Coffey.*

27 Feb. 1858.

1771. Did that include everybody who had a share in the transaction?—It included Mr. Irwin, and it included myself; and it included some arrangements that I had entered into which were not discharged.

1772. Then Mr. Butt is an exception to "all"?—Mr. Butt was not included in that passage.

1773. Mr. *Roebuck.*] Were the Messrs. Hunt paid by you?—They were paid some sums by me on account. I paid one or two.

1774. You said that you made an objection to the Parliamentary agent being paid by anybody but the solicitor?—I did.

1775. Was all the bill eventually discharged by you?—It was not discharged by me.

1776. And, therefore, contrary to your wishes?—Contrary to my wishes. It was paid; and if the Committee wish I will explain the reason why.

The Witness was directed to withdraw.

Sir *George Clerk*, K.C.B., called in; and Examined.

Sir *G. Clerk*, K.C.B.

1777. *Chairman.*] I THINK you are permanent secretary to the Board of Control?—Yes.

1778. Mr. *Roebuck.*] Is that a letter of yours (*handing a paper to the Witness*)?—Yes; it has my signature.

1779. Upon what occasion was that written?—Will you allow me to look at it. A statement was received, I think, from Ali Akbar, agent of Meer Ali Moorad, regarding some proceedings of Mr. Coffey's.

1780. Had you any conversation with Mr. Butt about it?—Yes; Mr. Butt called upon me two or three times.

1781. Take that in your hand and read it to yourself (*handing to the Witness the Memorandum previously put in evidence*)?—Yes; I have seen all this.

1782. Are there two items mentioned there, the first 300 *l.* and the last 2,000 *l.*?—Yes.

1783. They are mentioned as sums not accounted for by Mr. Coffey?—Yes.

1784. Did Mr. Butt say anything to you about those two sums?—I have no recollection of his saying anything regarding any particular sums; he may have done so.

1785. Did he say anything to you of that accusation being made through spite?—I am not certain that I saw Mr. Butt after the receipt of this; I saw Mr. Butt so frequently; he was several times at the Board of Control, and he certainly stated that Mr. Coffey was misappropriating some funds belonging to the Ameer, and that for that purpose he was going to visit him.

1786. With respect to those sums of 300 *l.* and 2,000 *l.*, did Mr. Butt ever tell you that he was quite sure that Mr. Coffey had not abstracted them, for he, Mr. Butt, had been the recipient of those two sums?—I have not the least recollection of anything of the kind; the Board of Control were in no way connected with the funds of the Ameer; possibly he may have told me, but I certainly paid no attention to this account; I recollect seeing the account, and I read the statement when it came, but having done so, I considered it was no concern of mine, or of the Board of Control.

1787. Mr. *Bright.*] I think you have stated that Ali Akbar was the authority for it?—I think Ali Akbar presented it; I am not sure; the original of this is in the office, without any covering letter; I therefore take it for granted that his agent brought it.

1788. *Chairman.*] Am I to understand you to state, that you embodied the statements of Ali Akbar in an official memorandum from the Board of Control, without an investigation of the items?—It is his memorandum, I think, not mine.

1789. Mr. *Roebuck.*] Ali Akbar's?—Yes.

1790. *Chairman.*] Your covering letter does not state from what quarter that memorandum came?—No.

1791. Mr. *Roebuck.*] Upon what ground was that memorandum sent to Mr. Butt?—To get rid of it.

1792. Is that the way you usually get rid of official documents?—No; Mr. Butt had been frequently at the Board of Control, as a Member of Parliament taking a great interest in this case, and he represented to the President, as the President had desired that this Ameer should embark for India as soon as possible,

sible, that he was stopped at Trieste, or somewhere, by Mr. Coffey, and he proposed to go himself, in order to send him on to India.

1793. And thereupon you forwarded this memorandum, sent in by Ali Akbar, to Mr. Butt?—I believe it was sent by Ali Akbar; I am not sure of that; I merely found it in this form in the office in the original.

1794. Did Mr. Butt acknowledge the receipt of that memorandum?—No, I believe not; I have no record of it; I do not think there is an official letter of Mr. Butt's in the office.

1795. Did he acknowledge the receipt of it in a private letter?—Not that I have any recollection of whatever; I will not say that he did not. I received several letters from Mr. Butt, directed to me as secretary, "Dear Sir," which I have not preserved; all letters which in form are official are recorded in the Board's offices.

1796. So that the memorandum was transmitted to Mr. Butt, because he, as a Member of Parliament, had taken an interest in the affairs of Ali Moorad, and was going to Trieste to look into them?—I imagine that that could have been the only reason why the President communicated with him at all.

1797. *Chairman.*] Am I to understand you to state, that there were many letters addressed by Mr. Butt, in the year 1857, to the Board of Control?—I think upon two or three occasions he wrote regarding the pretensions of the Ameer.

1798. And there is no trace of that correspondence in the office?—No, none; it was not official.

1799. Whether official or not, none of those letters are extant?—None, that I can find.

1800. Mr. Serjeant *Deasy.*] Could you tell the Committee what time that memorandum was received; have you any idea?—No, indeed, I have not.

1801. Colonel *Wilson Patten.*] What is your reason for supposing that that memorandum was left by Ali Akbar?—Because he was the agent of the Ameer.

1802. Had he been in communication with you up to that period?—Ali Ackbar frequently came to the Board of Control.

1803. Was anybody else in communication with the Board who could have written that memorandum besides Ali Akbar?—I do not know.

1804. You do not know?—I suppose it was Ali Akbar's. From his allusion to Mr. Frere, and what he prescribed should be done, I took it for granted it was Ali Akbar's. The Ameer may have had many agents, but Ali Akbar was the man who most frequently came to the Board of Control. He was the agent, I think, for other native princes.

1805. *Chairman.*] Is it not the course of the office to stamp documents, when received at the Board of Control, with the date?—It is not the invariable practice.

1806. That document upon the face of it bears no date whatever?—None.

1807. Neither by the writer nor the stamp of the office?—I think it is most probable it was presented in that way by one of his native agents, Ali Akbar, or some such person.

1808. Is the correspondence with Ali Akbar extant?—There is no correspondence that I know of with Ali Akbar.

1809. He attended at Cannon-row, and handed in documents, without signature?—I do not know that he handed in any other document but this; he came oftener than was convenient to the Board. Natives of India are officially received there.

1810. And in this instance, at least, this document, though not signed or dated, was received and officially forwarded to Mr. Butt?—Yes, evidently by this letter, which is signed by me.

1811. Mr. *Roebuck.*] Though it reflected very severely upon the conduct of an individual who had no means of answering it, namely, Mr. Coffey?—Evidently Mr. Coffey is spoken of in severe terms there.

1812. And you forwarded it to Mr. Butt, without knowing from whom it came, or without knowing that it was at all justified?—I do not say that I did not know at the time it came; perhaps I was aware at the time it came that it was delivered by Ali Akbar; but at this time I cannot possibly affirm that Ali Akbar delivered the document. Looking at the document, I should say he

Sir *G. Clerk*, K.C.B.

27 Feb. 1858.

he did; previous to this Mr. Butt had stated to the President of the Board that Mr. Coffey was detaining this native chief. It was considered desirable by the Board of Control to get the man away from the country; it was very troublesome receiving such agents and visitors at the Board of Control; it occupied time very uselessly, and on other accounts it was considered desirable to get him to Scinde; he proffered his services in Scinde, and his subjects were looking for him in Scinde, and he was very desirous to go. At the Board of Control it was considered proper to give him every assistance they could to get him away as quickly as possible, and he went. When he got to Trieste it was found that he had stopped, and Mr. Butt came and said that the man was detained by this agent, Mr. Coffey, who was eating him up. The Ameer had money, and Mr. Coffey was misusing the money, I think he said, and that Mr. Coffey detained him; this memorandum tallied very much with that statement, and it was sent off to Mr. Butt.

1813. Mr. Butt told you that he was eating him up?—He was spending his money.

1814. And you say that the statement very much tallied with the assertion of Mr. Butt?—With the exception of the figures, I do not recollect Mr. Butt stating the details of any particular account.

1815. Do you know whether you ever saw Mr. Butt after the reception of that memorandum?—No; I cannot say that I did.

1816. At any time he never explained that the amount of those figures mentioned were two large sums received by himself?—Certainly not, to my recollection. I have no recollection of his making use of any particular figures; it was a matter of such little importance to me, that I may not have paid the least attention to it; he may have adverted to the figures.

1817. What was a subject of perfect indifference?—The amount of his figures, and nothing more or less than that.

1818. What is that?—For the rest, the chief's detention at Trieste certainly was important.

1819. What was a matter of indifference to you?—The items of this account.

1820. Whether that account were true or not you did not care, but you forwarded it to Mr. Butt?—I did not care whether 300*l.* was for one purpose, or 65,000 rupees for another; the man had, I suppose, set forth from India to spend the money in England, and it was no concern of mine how he had spent it.

1821. Mr. Serjeant *Deasy.*] Can you ascertain whether there is any written answer from Mr. Butt to your letter of the 14th of September?—I will have search made.

1822. *Chairman.*] As at present advised, you think there is no trace of a correspondence with Mr. Butt at the Board of Control?—I think not; but search shall be made.

1823. General *Codrington.*] Was this document officially before the Board of Control?—Yes.

Mr. *Roebuck* stated that he had closed the case for the Petitioner.

Isaac Butt, Esquire, a Member of the House; Examined.

I. Butt, Esq., M.P.

1824. Mr. Serjeant *Deasy.*] I BELIEVE you have been in Parliament since 1852?—Yes, since the beginning of 1852.

1825. Do you remember being introduced to Mr. Edward Coffey, the petitioner, in June 1856?—I do.

1826. Who introduced him to you?—It was either Mr. James Coffey, or Mr. David Coffey; I am not quite certain which.

1827. I believe you have been very intimate with Mr. James Coffey?—I cannot say very intimate. I have a very great respect for him. I have known him on circuit, and been so far intimate with him as a circuit companion; and there was a connexion between him and me by his having married a lady who, though not a cousin of my own, was a cousin of my half-sister's.

1828. You have known Mr. David Coffey, also, his brother?—Not near so well.

1829. Do you remember either of them applying to you respecting the Ameer's case?—As well as I can recollect, I was at the same lodging in Cleve-

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land-row. I will endeavour to fix the dates by reference to public documents; that conference docket that has been produced enables me to fix the date. I think it was the 20th or 21st of June; I am not sure which. It was on a Friday, and on that day, or the day before, Mr. David Coffey came to me. He told me that he was solicitor for Ali Moorad, and that his brother had telegraphed to him. James Coffey was his counsel, and that he wished me to confer with his brother what course should be taken. As well as I recollect, I think he said to me, that it would be either a case for the Privy Council, or for Parliament. *I. Butt*, Esq., M.P. 27 Feb. 1858.

1830. Was that the first communication made to you respecting the Ameer's affairs?—Yes; that was the first communication.

1831. You attended with Mr. James Coffey in conference?—Rather Mr. James Coffey attended with me. We had, in reality, hardly a consultation, because I had been looking at the case. He handed to me some written papers, and I had not looked at them five minutes when I said, and Mr. James Coffey agreed with me, that there was no redress for the Ameer in any of the constituted tribunals in this country.

1832. Did you and Mr. James Coffey consider whether there was an appeal to any court?—Whether it could be made a Privy Council case, I believe. I think I said at once to Mr. James Coffey, "It is impossible. I have read the papers, and you have no redress before any of the tribunals here," and he agreed with me. I cannot say that we considered, because I had made up my mind when I read the papers.

1833. You read the papers with the view of ascertaining what course should be pursued?—When I first began to read them, thinking it might be in the nature of a Petition of Right, or an Appeal to the Privy Council, it struck me that the difficulty in the way of a Petition of Right was, as I intimated, that Ali Moorad was an independent sovereign. As to an appeal to the Privy Council, it being an act of policy of the East India Company, there was no appeal against it; it was an act of the Government. Had he not been an independent sovereign I would have thought it might have been a case for a Petition of Right.

1834. In consequence, I presume, of that determination or opinion which you and Mr. Coffey had formed, a petition to the House of Commons was prepared?—I said I thought that there might be a case that might, with great advantage, be brought before the House of Commons.

1835. Was it you or Mr. James Coffey who prepared the petition?—What occurred about it was this: that conference must have taken place on the Saturday, and either Mr. James or Mr. David Coffey asked me whether I would bring it before Parliament; I said, generally, I must read the papers with a different view, though I had very little doubt what my opinion would be; I would wish to read them so as to say fairly to myself that it was a proper case to bring before Parliament; therefore, we did not begin to prepare that petition.

1836. After reading the papers the petition was prepared?—I remember distinctly on the Sunday Mr. Edward Coffey's coming for me, and introducing me to the Ameer, and I had a very long conversation with him, I think for an hour or an hour and half, Mr. Edward Coffey acting as interpreter. I have reasons now to recollect that I did not do anything in preparing the petition. On the Monday, I think I said to Mr. James Coffey, If I am to bring this case before Parliament I would like to prepare the petition myself, because I take peculiar views perhaps in the case, but I would like that everything should tally with what I do, when I come to bring it before Parliament. The petition I know by the Votes was presented on the Friday; I waited in London to present it on the Thursday evening, but it was not ready, and it did not come to the House of Commons in time for me to present it. Tuesday or Wednesday were the days upon which Mr. James Coffey and I prepared that petition.

1837. You presented it on Friday the 27th?—Yes.

1838. Do you know whether you remained in town or left for Dublin?—I have reasons for knowing; I was peculiarly anxious to present that petition on the Thursday, and I was greatly annoyed at not getting it in time to present it; on Friday I did present it, and I left for Dublin the same evening.

1839. Had you any particular professional engagement in Dublin?—I had; there was a very important libel case to be tried in Dublin; we had a consultation upon that on Saturday night; I had not read my brief, and I was very anxious to have got away on Thursday evening, but I remained to present the Ameer's petition.

I. Butt, Esq., M.P.

27 Feb. 1858.

1840. Can you tell how long you remained in Dublin then?—I can again by public documents; this libel trial occupied Monday and Tuesday; I had at that time charge of a Bill for shortening the hours of work of bleachers; that was fixed for second reading on Wednesday. On Tuesday evening after the trial was over, I returned, and got into the House of Commons on Wednesday, just in time to move the second reading of that Bill.

1841. Can you tell how long you remained in London after coming back on that Wednesday?—I left London on the Saturday following; I went back to Dublin; at that time I had heard of no one else being at all spoken to about the Ameer's business. On the Friday, I think, I said it would be impossible to bring it forward that Session; I thought it prudent to state the case in the House, and I thought that the Indian budget would offer an opportunity. On the 4th July I put a notice on the books of the House that I would call attention to that petition which I had presented previously. I left town on Saturday the 5th of July; I can say that I did not leave it on the Friday.

1842. Can you tell how long you remained in Dublin?—I cannot. I am certain that I remained till after the 15th, because the public papers represent me as being in the Court of Chancery in a case on the 15th, therefore I was in Dublin on the 15th. I know that I was here on the 21st. I should say that I came over on the 17th or 18th. On the 21st I made an attempt, when the Indian budget came on, to bring on the case of the Ameer, and the Speaker rebuked me for being very pertinacious in pressing that I had a right to do it. On the 24th I moved for the papers. I had read the Blue Books, and I found that there were some documents which I wished for myself.

1843. Those papers were ordered on the 27th?—No, the 24th, I think. I do not know, the Votes tell that. I think I was at the Cork Assizes very soon after the 24th. In the interim I ought to say, that I remember perfectly attending a consultation at Sir FitzRoy Kelly's, and Mr. Coffey, as well as I recollect, offered me a consultation fee, and I said, "No, I have presented the petition to Parliament, and although there is no objection to taking it, I should rather not." At that consultation it was determined, I thought, over-ruling my opinion, that a petition should be presented to the Queen in Council, and that no proceeding in Parliament should be taken until that petition was disposed of. I considered my opinion then over-ruled; and if I am to speak the whole truth as to what was passing in my mind, I was a good deal annoyed at it, and I determined to take very little interest in the case in future.

1844. Who were the parties at that consultation?—I believe that has been answered already; Sir FitzRoy Kelly; it was at his house. Mr. Ayrton was there, and the Ameer himself was there. I do not remember who else; I think Mr. Hunt was there and Mr. Edward Coffey, and I am not sure whether Mr. James Coffey was there or not; we consider that we are not at liberty to tell what passes at a consultation. I will only say that I entertained the strongest possible opinion that the prudent course would have been, on the first day of the next Session, to move for a Select Committee to inquire into the allegations of the petition. I stated to several persons out of consultation, that there was a case that would carry the sympathies of the House of Commons completely, even against any opposition of the Government.

1845. How soon after that consultation did you return to Ireland?—Not till after the date of the moving for the papers. I told Sir FitzRoy Kelly, "I will move for the papers, you will want them at all events, and I may as well make the motion."

1846. Shortly after that motion you returned to Ireland, to attend the Cork Assizes?—I think the motion was on Friday; I went to Dublin on Saturday, remained at home on Sunday, and then I went to attend the Cork Assizes.

1847. Did you return to London during the remainder of that Session?—No, I did return to London at the end of August, but thinking myself that the conduct of the Ameer's case was taken out of my hands, I did not know what was done. I found out afterwards, by seeing Messrs. Hunt's bills of costs, that there were repeated consultations, but I was not at them. I felt, in short, that the case had been taken out of my hands. At the same time I gave Sir Fitz-Roy Kelly every possible information in my power, and stated to him privately my views of the case.

1848. Did you, during that interval of time, often see Mr. Edward Coffey; had you much communication with him?—I should say not.

1849. Had

I. Butt, Esq., M.P.

27 Feb. 1858.

1849. Had you much communication with James Coffey?—No, I was very little in town: on one occasion Mr. James Coffey stopped, I remember perfectly well, in my lodgings.

1850. What time was that?—The night that we prepared the petition: I was exceedingly anxious to leave town on the Thursday, and we sat up very late preparing it. I think he wrote a good deal of it from my dictation.

1851. Had you any such conversation as this with Mr. Edward Coffey, in 1856: it begins at Question 27 of the evidence of Mr. Edward Coffey: "In June 1856, there was a petition presented to the House of Commons by Mr. Butt; at that time there was nothing whatever mentioned of any agreement for his services. What occurred after that? Some days after it was necessary to move for papers.—You say that a petition was presented; was it Ali Moorad's petition? Yes; it was between the presenting of the petition and moving for these papers that I had a conversation with Mr. Butt, walking in the street.—What was the effect of that conversation? Mr. Butt told me that he was not a very rich man, and that, to do justice to the Ameer's case, to carry on the extensive business that would be connected with it at the Board of Control, at the India House, and in Parliament, he would have to attend a great deal in London, at an enormous expense; and, unless the Ameer was prepared to assist him in his expenses, that he could not undertake it, or go on with it; he could not devote his time to it." That is the termination; had you any such conversation?—I am not on my oath, but under an obligation which I feel just as much. I am here before my country; and, on my honour and conscience as a gentleman, no such conversation, nor anything like it, nor anything that could be tortured into it, passed.

1852. The witness then goes on to say, "On which I went to the Ameer, and mentioned the state of the case to the Ameer; and the Ameer said to me, 'Well, tell Mr. Butt from me, that if he carries on this business for me, and secures me the restoration of the lands which I seek, I shall give him 5,000 *l.*' I delivered the message to Mr. Butt, and Mr. Butt was satisfied." Was any such message, or anything at all approaching to it, ever delivered to you by any one?—Certainly, if any such message had been delivered to me, I would have refused to have had anything more to do with the case.

1853. Listen to this again, at Question 31: "In what way did Mr. Butt express his satisfaction?—He said, 'Very good; very well; it is very handsome of the Ameer;'" did you say any such words as that, or anything to that effect?—Certainly every one that knows me knows that it is not an expression that I should be at all likely to use.

1854. You never, in fact, used such an expression?—Certainly not.

1855. The next question is this: "Where was the second conversation? In the street; sometimes at his own house." Had you any such conversation with him in the street or at your own house?—Never; there never was at that time the remotest allusion nor hint, nor had I any expectation whatever of the slightest reward for anything I did. I think it was Mr. James Coffey who was good enough to say to me that it was a great opportunity for Parliamentary distinction, and he was sure that in bringing forward such a case I would acquire it.

1856. Was there ever any contract, engagement, undertaking, or offer, to you, by Mr. Edward Coffey, or by anybody else, on behalf of the Ameer, of any pecuniary payment, or other reward to be given to you for any services to be rendered by you to the Ameer, either in Parliament, at the Board of Control, or at the India House?—Certainly not; I have distinctly negatived that already. As for the Board of Control, or the India House, it could not have been, because all I ever thought of was at once bringing the case before Parliament, and all that any one else ever thought of, was appealing to the Queen in Council; in the hope that the Queen might issue a commission to re-try the question of the fact of the forgery. I discovered at a much later period that that was Lord Ellenborough's opinion of what ought to be done; perhaps I ought not to say that now, but at one time he held the opinion that that was the proper course.

1857. Had you any motive or inducement for presenting that petition, or moving for those papers, or taking any steps in Parliament, respecting the Ameer's case, except a sense of the justice of his claim, and, as you have said, a wish to obtain some distinction?—Motives are very mixed things; certainly my

I. Butt, Esq., M.P.

27 Feb. 1858.

my principal object was, that I thought it was a good opportunity for obtaining Parliamentary distinction; but there was mixed with that a feeling of sympathy with a man whom I thought a very deeply injured man. I was certainly exceedingly struck with the manner of the Ameer; I think him as perfect a gentleman as ever I met with in my life; and perhaps there was the inducement of placing an Indian prince under an obligation to me. I cannot exactly analyse my motives; my principal one was certainly Parliamentary distinction.

1858. You had no expectation or hope of any pecuniary reward to be given or paid to you for any such service?—Not the slightest; it did not enter into my contemplation; I did not think of it one way or the other.

1859. I think you stated, in answer to one of my questions, that you did not return to London for the then Session of Parliament in 1856?—No, I came over to London at a later period on totally different business.

1860. You did not, on that occasion, interfere with the Ameer's affairs?—I did not even see the Ameer, or call upon him.

1861. You returned to Ireland, I suppose, shortly after?—I came over here to preside at the meeting of a railway company of which I am chairman; I returned the day the meeting was over.

1862. Did you see Mr. Edward Coffey then?—No.

1863. When did you receive the first communication after that respecting the Ameer's affairs?—I saw the Ameer in Dublin; the Ameer came over, I forget at what time; I can fix it; he came over in October, for he was in Dublin at the time of the Crimean banquet, in getting up which I was taking a very active part.

1864. Was Mr. Edward Coffey with him?—He was. I thought right to leave a card for the Ameer; before I had done so, I got a summons to attend at the Royal Dublin Society, without their being aware that I knew the Ameer, requesting me to meet the Ameer of Scinde, who had come to town, and was paying a visit to the Royal Society, and at the Royal Society was the first time I saw him; the same day I took him to the College, and showed him some of the other places in Dublin.

1865. You had no conversation or communication with the Ameer upon any business then?—Not the slightest.

1866. When, after that, had you your first communication respecting any business of the Ameer's?—In February.

1867. That I believe was a letter from Mr. David Coffey?—Yes; Mr. Coffey came up to me in the hall of the Four Courts; he said to me that an answer had come to the petition to the Queen, and that there was to be a consultation in London, to which his brother James had gone, and that his brother James thought it would be a very great object for me to be there; at the same time he handed me a cheque for 20 guineas. I am not quite sure, but I think he gave me a docket marked "Consultation."

1868. You came over then, and attended that consultation?—I left Dublin a day or two sooner than I would otherwise have done, to attend that consultation; I was coming to Parliament. That was a strictly professional consultation as to the course to be taken upon the denial, as it turned out to be, of the prayer of the petition to the Queen. All the counsel who attended that consultation, two of whom are and were then Members of this House, received their fees in the usual way. It was strictly a legal consultation at Sir FitzRoy Kelly's chambers.

1869. Did you take part in any other consultation respecting the Ameer's affairs after that?—Never.

1870. Did you take any step or proceeding in Parliament?—No; none. Immediately after that came the vote on the China War and the Dissolution of Parliament, and I went over to Ireland to be re-elected.

1871. Did you come back to London before the meeting of the new Parliament?—No; I did not come for some time after.

1872. About how many days after?—I think Parliament had been sitting a fortnight or three weeks before I came over.

1873. During that fortnight interval had you any communication with anybody respecting the Ameer's affairs?—No; none.

1874. When you came over to London at that time, do you remember your attention being called by the Ameer, or by anybody, to the distinction between the

the hereditary Turban lands and the other property of which he had been deprived by the East India Company?—I should say that Mr. Irwin, of whom you have heard, had kept up a constant intercourse with Mr. Coffey. He thought that I was improperly annoyed at what I considered my opinion being over-ruled, and repeatedly said to me, that I ought not to have thrown up all interference in the Ameer's affairs on account of it. The Ameer came to me with Mr. Coffey. I know I saw him in March. I ought to say, that there was an intercourse kept up between me and the Ameer, not the slightest relating to his business. I remember his breakfasting with me one morning to meet some persons whom I thought he would like to meet, but with no relation to his business.

1875. You were on intimate terms with the Ameer, and formed a liking for him?—I cannot say I was on intimate terms; he had visited me. I may say he was greatly alone here, and he appeared to have a liking for my society. I think it was either in the month of May, or probably the beginning of June, that the Ameer came to me, accompanied by Mr. Coffey, and he told me that he was afraid I had been right (as well as I can recollect the conversation), that the legal consultations had only wasted time, and that now this Session he was afraid would pass away without anything being done upon it. He said to me that this climate did not agree with him, and that he could not remain here another winter. He wanted to know, could nothing be done in his case; and I think he went on and said that he was perfectly willing to take my advice in everything. My reply to that was, that he had now placed himself in much better hands, and he must act under the persons whom he was with. He then called my attention to this, that Lord Dalhousie's minute, under which his territories had been taken from him, had left him the Turban lands, and he also showed me his own letter, in answer to the proclamation, in which he had claimed those Turban lands, as secured to him by the treaty; and said, that whatever else the English Government thought proper to do, those Turban lands ought not to be taken from him. I then very carefully examined this view of the case, which was a new one to me, and I became satisfied that he was quite right. I went through the whole of the Scinde treaties, and I did satisfy myself that they did secure to him the Turban lands, and that it was a violation of the treaty to take them from him. I therefore thought that, without asking the Court of Directors or the Government to undo anything which they had done before in the way of his trial on this charge of forgery, it was perfectly possible for him to put forward, either to the Queen or to Parliament, a case entitling him to the Turban lands alone.

1876. Did you prepare that memorial?—Not for some time after.

1877. Did you, in point of fact, prepare that memorial?—Yes. The Ameer then came to me again, and asked me would I propose to the Government here to give him the Turban lands, and that he would be satisfied. I told him that that was a step which I did not know how I could take, because it was, in fact (the word "compromise" has been used), giving up part of his claim. I called his particular attention to this, that it would leave on him still the brand of the forgery, while on the other hand, if he would proceed and obtain a Committee of the House of Commons, then his character as to the forgery might be cleared. He told me he would never consent to anything that would compromise his honour. He returned to me again, and he put the same view to me again. I am aware that in the interim there had been considerations of who should present his petition, and reasons were given to me why I should not, which I perfectly acquiesced in, though I did not think they were right. Perhaps it is better that I should state those reasons. I was told it was considered by some that I, having voted with Lord Palmerston on the China question, had separated myself from the party with whom I had previously acted, and that I might provoke a certain amount of unpopularity; my reply was, "I think you are wrong; the gentlemen with whom I have been acting will not take that view. I perfectly agree with you, that you ought not to attach the slightest possible discredit to the Ameer's cause by putting it into the hands of any one against whom a few Members of the House would have a personal dislike." I was privy to the deliberation—it was not a legal consultation—when the names of many Members of this House were discussed. I from that time considered certainly the moving of the case in Parliament taken out of my hands entirely; but I was also told that they would expect me to speak upon the case, which I said I was perfectly willing to do.

I. Butt, Esq., M.P.

27 Feb. 1858.

It was immediately after that, that the Ameer pressed me to endeavour to obtain a partial restitution of his rights. Not in consultation at all, but in conference in the House of Commons with Sir FitzRoy Kelly, I mentioned that I thought it right to tell him that I either had opened, or that I was about to open, a negotiation with the Board of Control, and I would take care to conduct it so that he should not be compromised; and that all preparations for Parliamentary investigation might go on as if I was doing nothing. Whenever I was in a position to tell him anything, I would tell him what I had done; and I would not take any step to commit the Ameer without his sanction. I wrote a letter to Mr. Vernon Smith, and in that letter, which was a private letter, marked "confidential," I pointed out to him that this was a very strong case against the Government; that I had this feeling, that discussion of cases in which the honour of the Government was damaged were always to be avoided if possible; and I told him that a suggestion had been made to me by which I thought this might be avoided, but that it must be considered entirely confidential. It was a very long letter, but I think that is the substance of it. Mr. Vernon Smith I saw; I think up to the outbreak of the Indian mutiny I had constant communications with him. They were, on his part, always verbal; on my part, they were sometimes written. I frequently made it a point to write, believing that Mr. Vernon Smith might forget verbal communications, he being occupied much more than I was. I generally took care when I thought I had a very strong point, to write as strong a letter as possible; and took care that it should go to his house on Saturday, that he should have it to read on Sunday. I remember taking that course.

1878. About what time did your communications with Mr. Vernon Smith commence?—I should say either the end of May or the beginning of June. Mr. Vernon Smith himself said he was very much disposed to take tolerably the same view as I was of the Ameer's case, but he said that he thought that a memorial should be sent to the East India Company, in which this new case should be made, and in which they should not be asked to reverse their opinion of the guilt of Ali Moorad. I told him that was a very difficult thing to do; he paid me the compliment of saying he was quite certain that I would do it so dexterously as to ask them neither to alter their opinion nor bind the Ameer by admitting anything. He asked me to speak to Mr. Mangles, the Chairman of the East India Company. I wrote to Mr. Mangles a note, simply saying that in consequence of a communication which I had had with Mr. Vernon Smith, I wished to see him on the affairs of Ali Moorad. I then had a conversation with Mr. Mangles in the House of Commons, and he gave me permission to send him this memoir, which I had previously prepared. I sent it to him, (although it is a printed one, it is marked "confidential,") with the request that it should be regarded as private. I said if this negotiation failed, and the case was discussed in Parliament, I would speak upon it, and that I would not wish any statement in which I had appeared to take less than the entire the Ameer asked to be brought up against me. I ought to say that I had a very strong objection to meet Mr. Mangles at all. At Mr Vernon Smith's request I did so; I recollect saying, "I know I am perfectly safe with the Board of Control; I do not trust the Court of Directors." And Mr. Vernon Smith's answer to me was, "You communicate privately with Mr. Mangles, and you may depend upon it he will never communicate your name at the Court of Directors." Mr. Mangles did not, and to make assurance doubly sure, it appears by his reply that he burnt my letters. My letter certainly showed a very considerable amount of distrust of the Court of Directors.

1879. When you say "distrust," you mean that you were afraid that an offer of compromise might be injurious to the Ameer?—I cannot say that it was an offer of compromise; it was a view of the case, by which it appeared to me that they could escape with honour out of what I thought then was a very bad position; but, of course, if we came to Parliament, where we must ask for an inquiry into what was guilt or innocence, and into the whole transaction, I was afraid then that that memoir might be read against me by the East India Directors. If I made a speech in Parliament, they would have said, "Here is the very gentleman who asked us to compromise his case." That was the sole and entire reason of the secrecy. I have not a copy of my letter to Mr. Mangles here; all my papers connected with this transaction are, I am afraid, on their way to India, by a mistake; but, I have no doubt, in that letter I showed very strong

strong anxiety that the whole matter should be kept perfectly secret, unless the negotiation went on.

1880. Can you tell about the date of that communication with Mr. Mangles?—About the 22d of May.

1881. Have you had any other communication with Mr. Mangles?—Never, except afterwards; at a subsequent period, when I asked him to hurry the answer of the Court of Directors.

1882. Was it then that he told you the decision had taken place?—That was at a future stage of the proceedings.

1883. Will you proceed with the narrative of your communications with Mr. Vernon Smith; you have stated, I think, that you prepared this memoir?—I prepared this memoir, and it will be necessary, in order for the Committee to understand the subsequent part of my conduct in this case, to know exactly what was the claim which is put forth here. The memoir is a very long one, but I think reading a few passages that I have marked will put the Committee in possession of the case that was made: "The grievance of which Ali Moorad complains is the confiscation of a large portion of his territory, by a proclamation issued by the authority of the Indian Government, dated the 19th of January 1852. From the period of the conquest of Scinde by the English, to the issuing of this proclamation, Ali Moorad had been recognised as an independent sovereign, and he had been in possession of territories including nearly the entire of Upper Scinde. The portion confiscated amounted to nearly three-fourths of these possessions. It is coloured yellow on the accompanying map. Its annual income is estimated by the East India Company below its real value, at 4,83,658 rupees. The confiscation was rested on the allegation, that Meer Ali Moorad had fraudulently altered a treaty or deed called the Treaty of Nowsahor, bearing date the 15th of September 1842." "The district so alleged to have been acquired is the district of Mahtelah, with its sub-denominations of Meerpoor and Mehurkee. It is coloured red on the map. Its annual value is estimated at 1,12,192 rupees." Then the memoir goes on to describe the treaties of Scinde, and the right by which Meer Ali Moorad acquired his different possessions, which is shortly summed up in this way: "It will thus be seen that between 1843 and 1850, Meer Ali Moorad was in undisputed possession of the sovereignty, and the upper portion of Scinde. He held it under what may be termed four different titles. He had first his own patrimonial estates given him by his father's will, and of which he had possession before 1842. Second, the sovereignty and the estates annexed, which he also held by right of his father's will, in succession to his brother who died in exile in 1846. It was only during his brother's life that he held them by virtue of the Turban Treaty. Third, the territory which had been the private estate of Meer Roostum. To this Ali Moorad's title depended entirely on the alienation effected by Meer Roostum in the Turban Treaty. Fourth, Lands north of Roree, including the district of Mahtelah. These he had obtained from his own family by a cession, which he did not press as a title against the English, and these lands he held, in fact, as a gift from the Indian Government." Lord Dalhousie's minute recommended that he should be left his patrimonial estates, the estates belonging to the Turban, but that there should be taken from him the rest of his territory, which he might be said to have got by gift of the English; but when the proclamation went out from the Court of Directors they took from him everything but his own patrimonial estates. I then entered into the treaties to show that at that very time there were treaties in existence by which the English had bound themselves to preserve the Turban possessions to him; and I thought an unanswerable case was made out, even admitting everything done under that Government, to restore him the Turban lands; that was the view put in this memoir. Then there was a claim for a large sum of money on account of forts, which he had, in 1842, given up to the Rajah of Jessulmere, at the request of the English Government. The claim of compensation for those forts was admitted (I give an extract from Sir Charles Napier) by Lord Ellenborough, and generally by the Governor of India, and it had never been paid to him. I recollect Mr. Vernon Smith, when he read this memoir, said, "One part of the case is certainly perfectly clear: I agree with Sir Charles Napier that even if he tried to cheat us, we did cheat him." He said the compensation about the forts was perfectly clear. That was the claim put forward in this memoir.

I. Butt, Esq., M.P.

27 Feb. 1858.

1884. Had you any communication with Mr. Vernon Smith respecting the subject-matter of that memoir?—Yes, repeatedly.

1885. What period of time do you think they cover?—They went up to the end of June. The communications which I had with Mr. Vernon Smith were very confidential. I always made it a term that I would not take any step in presenting any memorial, unless I had some assurance that the memorial would be complied with if presented. I do not consider myself at liberty to repeat the result of interviews he had with the Chairs of the East India Company, but the result of all, which I may state generally, was, that about the end of June, I prepared the memorial to the East India Company, which I advised Ali Moorad to present, with a perfect confidence that when it was presented he would receive in a few days a reply, stating that the whole or part of it would be complied with. I then thought that I could not go further, without submitting the case as it stood to Sir FitzRoy Kelly. We met not at all in legal consultation, but in private conference upon several occasions, and I showed him the memorial. He was rather averse to taking this course, on the ground that the assurance might not be carried out. I did not feel at liberty to tell even him the exact nature of the assurances which I had received. Finally, he sent for the Ameer and told him the whole, and he put it to him whether it was his own deliberate wish that this should be done; I was not present then; the Ameer said it was. He then signed, I should think about the 24th or the 25th of June, the memorial to the East India Company. I was just about to have it sent, when I received a message from Sir FitzRoy Kelly to suspend it. I was obliged to go to Ireland that night, and I did not return until after we had the news of the mutiny; the news of the mutiny occurred during the delay in sending in the memorial. Upon my return I certainly then said, that all deliberation now is at an end; you have no choice but to send in this memorial, whether it gets you anything or not. To attempt to bring an Indian case before Parliament now would be perfectly fatal to it, and we would be charged with aiding and abetting the sepoys, and every gentleman of the Committee will feel that.

1886. Was it part of the same suggestion or arrangement that the Ameer should himself go out to India?—Yes.

1887. In what form was that suggestion first made?—I think from the very beginning Mr. Vernon Smith said that it must be ultimately done through the Indian Government.

1888. Did he suggest that the Ameer should go out to India?—No; not then.

1889. How soon after the news of the Indian mutiny did you see him—soon after the news of the Indian mutiny?—Yes; I then blamed myself very much for the delay. I blamed myself for not having acted on the opinion of the Ameer, and for having wavered in the course that I was prepared to advise him to take. I saw Mr. Vernon Smith immediately after I came back; I must say that our communications were then much more interrupted; I myself felt very unwilling to trespass upon his time after the news of the mutiny came. I could not see him as freely as I had done before. He was then still carrying on his interviews with those representing the Court of Directors as opportunities were offered to him; and finally, I think, the 7th of July, is the date that the Ameer signed and sent in the memorial to the East India Company. I had understood that the reply would be in substance that he was to go to India; but there was a very strong assurance (there was no promise) that when he did go to India he would find that memorial substantially complied with, or something like it.

1890. Do you remember when the last suggestion of his returning to India was made?—Then; immediately. Mr. Vernon Smith, I recollect, using the expression, "If he was my brother, I would advise him to go out at once; do not even let him wait for an answer."

1891. Do you remember the Ameer asking you to go out to India with him after that?—Some time after that.

1892. Was that request conveyed to you through Mr. Coffey, or anybody else?—All the communications from the Ameer to me were made through Mr. Coffey, or Ali Ackbar as the interpreter; I could not speak the Ameer's language. Mr. Coffey was generally our interpreter, occasionally Ali Ackbar.

1893. About what time did he first apply to you to go to India with him?—I think the first time he spoke of my going to India—it did not assume the shape

shape of a formal application—was when he was told that the matter would be referred to the Indian Government.

1894. What answer did you make to his first application, that you should go out to India?—I told him it was impossible, and begged Mr. Coffey to dismiss such nonsense from his mind.

1895. What time was that?—It must have been in June, for a reason I will give presently; my own impression would be that it occurred at a later period; but I have a document which makes me know it must have been spoken seriously to me late in June.

1896. What is your reason for thus fixing that date?—I was in Ireland in June; I went over for a few days; and although I had not at all accepted the offer, I now know that on going home I told my own family that I had an offer of 10,000 *l.* to go to India; I recollect its exciting a rebellion in my little circle at home; I also consulted several of my friends in Dublin, and told them such an offer had been made to me; and I went to an insurance company in Dublin, I now find, in the end of June; I asked them what would be the cost to insure my life for 20,000 *l.* if I did go to India for a year; but for those circumstances I would have said that it was later; that enables me to know, that when I went to Dublin at the end of June, I did at all events contemplate the possibility of accepting the offer that was made.

1897. You have given to the Committee your answer to the first application, that it was impossible, and that Mr. Coffey must put it out of his head?—Yes.

1898. Do you remember his applying to you afterwards?—I remember his coming to me again; nothing had been said about money at first, but I think I said to Mr Coffey, "You must explain to the Ameer that I am not a zemindar, whose rents will go on, whether I am in Scinde or here. Tell him, if I go I will get no money, my revenue will be stopped, and it is impossible for me to go." At that time it appeared that the Ameer fancied I was to go out as his guest. Then he came the next day with Mr. Coffey, and Mr. Coffey then said that his Highness was prepared to give me 10,000 *l.* if I would go out to India. My answer was, "First, it is not worth my while to go for that; and, secondly, I am very sure it is not worth your while to take me." He replied that he would enlarge the offer if I would go; I refused. He again said to me, I recollect perfectly, as to its not being worth his while to take me, "I trust Mr. Vernon Smith; I trust people here; but you do not know the Indian Government; when I go out there they will keep me out of my lands for three years. Remember that one year's rent of those lands will be worth three or four times what I am offering to give you." He said he wished a treaty to be negotiated with the Indian Government. He then called my attention to some points upon which I had previously spoken to him, involving his interests there as to arrangements with the Indian Government: "How am I to manage this? I do not know their treaties; I do not know their laws." He spoke in the Asiatic style of exaggeration, "You are my friend; you are a great man; you have a head." I think he said to me, "You will teach them justice, I cannot do it." I still was obstinate. I had also pointed out to him how much he could improve his revenue by a better administration of his territories. That was a subject upon which we had many conversations; and finally he said to me, "Come out, and do this work for me; I and my son will take your advice; we will do in Scinde what you tell us." This was the conversation; after which I began a little seriously to think of going, but I still refused.

1899. When you went to Ireland you had not made up your mind?—I had not made up my mind. I then spoke to several of my own friends in Dublin, and, in fact, spoke freely of such an offer having been made to me. I went to this insurance company and another insurance company, and I told them that such an offer had been made to me, and though I had little idea it would be accepted, I would like to know the expense of an insurance upon my life. When I came back I mentioned it to several Members of the House, and consulted them whether I should go or not; and the result of the deliberation finally was that I told the Ameer I would go. It was a considerable time after.

1900. About what time did you communicate to him that you would go?—I know it must have been after the mutiny had broken out. I never thought I would be required to state the dates; but I know that one of the arguments that he pressed me with when I finally consented to go was that he said, "At your instance, and at the instance of Mr. Vernon Smith, I have sent in that

J. Butt, Esq., M.P.

27 Feb. 1858.

memorial, and now see! you are going to desert me, and leave me to the mercies of the Indian Government." I recollect his pressing me very strongly upon that.

1901. Was anything then said that you were to get 10,000 *l.*; was it stated how the money was to be paid?—The moment I began to entertain a serious thought of going, I spoke to Mr. Coffey. I am not at all certain that that conversation did not take place walking to Cannon-row, where the office of the railway company of which I am chairman is; I was not going to the Board of Control: I said to him, "Now, Coffey, if I agree to go to India, it becomes a very serious matter to me; first, is there the slightest doubt that the Ameer is really both able and willing to carry out his engagements?" He said, "Not the slightest; he could do it at once." I made inquiries, and I had reason to believe that that was so. I then said to him, "Now the next point is" (I used the expression then), "I am not rich enough to leave home for a year without having the command of money; I do not know that I can command it in time to go out; therefore, if I do go, you must make your arrangements that a certain sum of money shall be paid to me before I go." I mentioned other things: "I find it would cost me 1,000 *l.* to insure my life for 20,000 *l.*, and I have other matters to arrange." I said to him, "I have a great horror if I go of appearing at all to be making a bargain with the Ameer; you must make all those arrangements with him, without my speaking to him; you must let me have a reasonable time before I go: the sum of 3,000 *l.*, and the other 7,000 *l.*, although I am disposed to trust implicitly to the Ameer, as it is a very important matter to me, I can on no account leave this until that money is perfectly secured to me." He promised that it should be secured by bills upon a bank at Bombay, some of them at long dates, which, I think, were to be accepted by the Mercantile Bank; 3,000 *l.* to be given in money, and 7 000 *l.* in bills. I believe I made a very imprudent and bad bargain, but I had reasons why I accepted the offer, with which the House of Commons, or this Committee, have nothing to do.

1902. Do you recollect the case of Colclough *v.* Rossborough?—I do.

1903. Were not you one of the counsel engaged in that case?—I had a special retainer for it; it was one of the greatest cases that has been tried in Ireland for many years.

1904. It was a very heavy case, involving the right to about 10,000 *l.* a year?—Yes.

1905. That was, I believe, tried off your own circuit at Wexford?—Yes.

1906. Can you tell the time the Wexford Assizes sat?—Yes; I have endeavoured to supply, as far as I can, the defective dates by public documents; that case was tried about the 9th or 10th of July.

1907. What fee were you to have got for attending that trial?—I think 200 or 250 guineas, and the additional refreshers would have made it up 300 guineas or more.

1908. How many days did it last?—I do not know at all.

1909. It was a very heavy and very important case, was it not?—It was.

1910. Do you remember telling the Ameer you wanted to leave for Ireland to attend to that case?—I do.

1911. What did he say in answer to that statement?—I recollect being struck with his answer. I said I was going for a lady who, like himself, was seeking a large estate, and he asked me how many pergunnahs she was looking for; he then asked me, "Is it the Government that has robbed her?" I said, "No, it is not the Government that robs people here." The statement which has been made with regard to that case is proved by the dates to be utterly untrue. That case was over by the 12th of July, and the cheque was given to me by the Ameer on the 11th of August. My return of my brief in the case of Colclough *v.* Rossborough was influenced by considerations arising out of the conduct of the case. I considered that I was not put in a proper position by a new counsel being put at the last moment over my head; I therefore returned my brief, saying they could not want a special counsel to take the third place, and it was not anything relating to the Ameer's case.

1912. Colonel *Wilson Patten.*] I do not understand how you prove that?—The cheque had been given me, it is alleged, on the ground of that case; the statement made here was that I said, "I will go off to Ireland to that case, unless that cheque is given." When that cheque was brought, that case was over, because in the "Times" of the 15th of July, you will find a telegraphic account

account of the verdict; the dates manifestly prove that statement not to be true.

I. Butt, Esq., M.P.

27 Feb. 1858.

1913. Mr. Serjeant *Deasy*.] You did not go over to Ireland, but remained in London?—Yes; I say upon considerations arising out of the conduct of the case itself, and wholly unconnected with the Ameer's business; he seemed, however, certainly exceedingly pleased when he found that I was not gone; I think he was expecting an answer from the Court of Directors at that time, and wished me to be here. Had I been left in my original position in that case, and it had been of importance to my clients to be there, no consideration of the Ameer's business would have induced me to remain from that case; I am unfortunately obliged now to treat other people in the same way where it is of importance.

1914. I will just call your attention to the evidence of Mr. Coffey about that cheque?—I can state without hearing his evidence read, what occurred about that cheque early in August. The Ameer should have left this country for India in the boat that went at the end of July, and I pressed him to do so. I found that he was detained; I asked Mr. Coffey why he was not ready to go then; he told me he had found the Ameer consulting the stars, and that the stars were not favourable, and that he would not go. I found the same delay as to his going out early in August; I really began to be afraid, after I had said to numbers of people I was going to India, that it might turn out it was a mere delusion. I said to Mr. Coffey, I think it was during the time of the Dublin election, when his brother was over, "As this is a very serious matter had we not better make an agreement, and have it put in writing?" He told me that the Ameer would have a great dislike to put anything in writing. I said, "Let us at all events commit it to writing, and have an understanding; you can interpret it to him; I do not want it signed." I think he said to me, "You have the best of it, for we are going to give you the money, and you do not need writing." I thought there was a great deal of reason in that; I then thought I would test the reality of the money. I told Mr. Coffey, "I want a cheque for 500 *l.* to begin and make my arrangements." He told me certainly the Ameer would give it to me at once. He said he would send it me the next day. The next day he came and said, "I have not yet a cheque for you." A red-headed man came in while the Ameer was at breakfast. The Ameer thinks it would be very unlucky to draw cheques when he has met a red-headed man. I think I replied, "If I go out to Bombay, I begin to be afraid that when he is to pay me the 7,000 *l.* he will meet a red-headed man. I wish I had never entered into the agreement." The Ameer came down that day, and put the cheque into my hand pretty much as has been described. Upon looking at it I found that it was filled with my own name, and crossed, but for 300 *l.* instead of 500 *l.* I heard Mr. Coffey say that I had complained of its being crossed. I did, not to Mr. Coffey, but to Mr. Irwin. It was in the evening that I got the cheque, and I threw it into my drawer, I think into that box, and it lay there. The next day I happened to want money for a purpose for that day. I took out the cheque, and, seeing it crossed, I said to Mr. Irwin, "I am sorry this cheque is crossed. If I pay it into my own bankers at the West End, I shall not get credit for a crossed cheque for two days; they will send it to their agent in the City." If you wait till the cheque is paid, it is remitted through the clearing-house; it is not put to your credit till the next day. I said to Mr. Irwin, "You know the manager of this bank" (he happened to do so wholly independent of the Ameer), "perhaps you can get that cheque paid, notwithstanding its being crossed;" and he went and did it.

Lunæ, 1° *die Martii*, 1858.

MEMBERS PRESENT.

Mr. Bouverie.	Mr. Serjeant Kinglake.
Mr. Bright.	Colonel Wilson Patten.
General Codrington.	
Sir James Graham.	Mr. Serjeant Deasy.
Mr. Sidney Herbert.	Mr. Roebuck.

THE RIGHT HON. SIR J. R. G. GRAHAM, BART., IN THE CHAIR.

Isaac Butt, Esquire, a Member of the House; further Examined.

I. Butt, Esq., M.P.

1 March 1858.

1915. Mr. Serjeant *Deasy*.] WHEN the Committee adjourned on Saturday, you had been examined with respect to that cheque of 300 *l.*?—I wish to add something to what I have already said about that cheque. I have been trying to bring the circumstances to my recollection. I think it was late in the day that I asked Mr. Irwin to take it to get it changed. Mr. Coffey had, as far as I was concerned, nothing on earth to do with it. Of course, I distinctly say, that I never used the expression, "I would not for a thousand pounds pay it into my own bankers." I may just observe to the Committee, that if there was any secrecy about that cheque, I certainly took the most effectual means of exposing it. I sent this crossed cheque to be cashed under extraordinary circumstances, so that it must have come under the knowledge, not merely of the clerk, but the principal manager, that principal manager being the banker of Ali Moorad, paying the money to Mr. Irwin, knowing that Mr. Irwin was acting as my secretary, and knowing that I was interested in the affairs of Ali Moorad.

1916. I want to ask you, was that cheque to be taken as part of the 10,000 *l.* or of the 3,000 *l.*?—Unquestionably.

1917. Will you explain to the Committee how it was that the bills which you sent to Ali Moorad, or to Mr. Coffey, in Paris, were for 8,000 *l.* exactly?—Those bills were never filled up. I asked Mr. Coffey to bring me a cheque for 2,700 *l.*; he said he had better bring me a cheque for 3,000 *l.* I said, "We have got 300 *l.*," and his reply to me was, "There is the commission for the exchange on Bombay, which will be very heavy." The Committee had better understand that by and by. Those bills were never filled up; he was to have returned them to me on the day Ali Moorad left, and finally closed the matter with me; he did not.

1918. Was that 300 *l.* to meet the commission?—No, I did not understand that at all; what I understood was this, that had we come back to settle as I expected, we would have settled the amount for which the bills were to be drawn. I certainly understood on the paying of that money, that I was to have the expense of turning the bills into cash on the order on Bombay; I considered I would have been entitled to my original contract, and the Ameer to pay the expense of turning it into cash, and that some of those bills should have been drawn for a larger amount.

1919. Can you tell what would have been the expense of converting any of those bills into cash?—I cannot; I should say that the original proposition to me was first by Mr. Coffey, to pay the whole sum in ready money, or to pay half in ready money, and half on my arrival in Bombay; I considered that half in ready money and half on my arrival in Bombay was the real contract.

1920. About what time did your negotiation with the Board of Control commence?—Mr. Mangles' letter fixes the negotiation with the Board of Control as having commenced early in May, because that negotiation must have

have been proceeding I should say for probably a fortnight before I was in a condition to communicate with Mr. Mangles.

1921. About what time did your negotiation with the Board of Control terminate?—I consider that anything like negotiation terminated at the end of June, when I had received such assurances that I considered myself justified in advising Ali Moorad to send in a memorial to the Court of Directors.

1922. Can you state about what time that was?—The end of June.

1923. It was, as I understand, part of the arrangement, if I may call it so, that he was to go out to India?—I cannot say that then there was an arrangement that he was to go out to India; if he was satisfied with the business that brought him out to this country, he would return as a matter of course; it was a matter of perfect indifference to the Government then whether he remained in India or here; but part of the arrangement was that whatever was done should be done through the Bombay Government.

1924. You stated, I think, on Saturday that shortly before your visit to Dublin in June 1857, an application had been made to you, by or on behalf of the Ameer, that you should go out to India?—Yes.

1925. That proposition you communicated to your family and friends?—Yes, I did.

1926. Did you, in consequence of any objection made by any members of your family at that time, refuse to accept the proposition?—These dates were not very well fixed in my mind; but I remember having gone to an agent of the Britannia Insurance Office in Dublin not to effect an insurance, but to inquire from him upon what terms the insurance company would insure my life. I wrote to the agent of the company here to ask him to send me a copy of his communication, and he has done so in this letter: "Dear sir—Agreeably to your request, I annex an extract from Messrs. Fox's letter of the 26th of June 1857;" and that is this: "Extract of a letter, dated 26th June 1857. Our friend, Mr. Isaac Butt, M. P., will call upon you on Monday for the purpose of having an insurance for 5,000 *l.* effected upon his life, and may also submit an additional proposal for 20,000 *l.* for one year only; but the latter case is contingent upon his going out to India, which he has some intention of." Therefore by that I am now able to say that I was in Dublin on the 26th of June, and at that time the matter had assumed, at all events, such a form that I was communicating with the insurance company about insuring my life.

1927. You have still not answered the question which I put. Did you, in consequence of any objection made by any member of your family, refuse at that time to accept the proposition?—I did not assent when I went to Dublin. During my visit to Dublin the news of the Indian mutiny came. Mrs. Butt was in London; she had come over a short time before with my eldest son. I left her in London, and upon my return I certainly believed that it would be utterly impossible to obtain her consent to my going to India, and in consequence I did not assent. Both the Ameer and Mr. Coffey each day were pressing me exceedingly to go. However, at that time I did not intend to go.

1928. Can you tell the Committee when first you determined or agreed to go; about what time?—Even before the news of the mutiny I would have had a very great difficulty in getting the assent of Mrs. Butt to my leaving this country. Certainly the intelligence which we were getting every day from India did not diminish her objection, but it made me rather more anxious to go. I remember perfectly at last her offering to give me her consent if I would allow her to go with me, and my reply to that was, that part of my engagement with the Ameer would require me to go to Kyarpore; that she would be as far from me at Bombay as at home. I then finally proposed that she and my family should go to any place on the Continent of Europe that she liked, and remain there till my return from India. I pointed out, in endeavouring to obtain her consent, that it would be a great advantage to my children having an opportunity of acquiring continental languages. I was rather anxious to go all through that month of June, but I believed it was impossible to obtain her consent.

1929. Can you now fix any period at which you ultimately agreed or determined to go?—I think I can; we had been stopping at a private hotel, and we changed to lodgings in St. James's-place. I have a very strong impression, I might almost say amounting to certainty, that it was after we went to St. James's-place; and immediately after that, I gave my final assent to the Ameer

I. Butt, Esq., M.P.

1 March 1858.

to go. I have ascertained from the hotel that we left the hotel on the 24th of July. I should think it was within a day or two after that; of course I must give all these dates from recollection; I cannot say I am perfectly accurate There were some domestic circumstances which fix upon my mind that my assent was given, not at the hotel, but at St. James's-place.

1930. About that time I understand you communicated to the Ameer or to Mr. Coffey, that you would go out to India?—The Ameer had been constantly pressing me to go out to India; Mr. Coffey came to me, and begged of me repeatedly not to give him an irrevocable refusal. He told me that whenever I held out the least expectation of going, he was happy for the evening; and when I positively refused, that he was in a most miserable state of dejection. I remember that several interviews passed between me and the Ameer and Mr. Coffey; of course Mr. Coffey was present at all my interviews with the Ameer, but I cannot recollect what occurred at each particular interview. I am able to say, that during the month of June there was a constant pressure on the part of the Ameer for me to assent; and certainly not a refusal on my part, but a withholding of my assent, on the ground that I found it impossible to overcome the objections of my family

1931. You stated that your negotiations with the Board of Control you considered to have terminated when the memorial to the Directors was presented?—Yes, anything like negotiation I considered then to have closed.

1932. Can you state to the Committee generally what the nature of your negotiations with the Board of Control was?—When Ali Moorad came to me, and expressed his anxiety to get home even with less than he thought he would be entitled to (I wish particularly now, in that conversation, to supply what was an unintentional omission in my evidence on Saturday, and I do so because from questions which have been put by some Members of the Committee, it may appear to make against me), in that conversation I distinctly pressed upon Ali Moorad not to engage in a compromise, but to bring his case before Parliament; I pointed out to him as strongly as I could, that I was perfectly persuaded, upon reading the whole case, that a Parliamentary Committee would vindicate his honour, and I remember saying this to Mr. Coffey, "Now I am to go to the Board of Control, I must understand that no act will be publicly done as occurred upon the former occasion, by which I will be thrown overboard." The Ameer said that he would do anything I desired him; I do not wish to say to what extent he intended, but I remember his saying that he would go to Messrs. Hunt, and instruct them that they were to do nothing without asking me, and Mr. Coffey turned back on going out of the room, and said, "And I can also tell you that the Ameer is perfectly determined, if his case is to be brought before Parliament, you shall be the person to bring it." Therefore, whether it might be ultimately carried out or not, during this negotiation with the Board of Control, I considered myself to be perfectly entitled to say, I have to a certain extent, the control of any Parliamentary movement.

1933. Will you state what was the nature of the negotiations with the Board of Control?—The negotiations, if that be the proper term to use, with the Board of Control, were these, shortly stating them: When Ali Moorad had pointed out to me a particular portion of territory lying along the banks of the Indus, two pergunnas I think they call them, which he would be willing to accept and give up his claim to everything else, except the money for the forts, I inquired as to the nature of those pergunnas. I got all the official documents I could, and I found that they possessed great capabilities, and that he had made a very wise selection in choosing those two. I ought to say that what are called the Turban lands were an undivided moiety of a large extent of territory. Instead of having anything like a partition of which he had a very great horror (there is generally on the part of any native gentleman that I have seen a great distrust of the local Government), he said, "I will fix upon those two pergunnas; if I can get them, although they are less than the moiety, I shall be perfectly satisfied with them." Having made inquiries upon this, I then went and mentioned it to Mr. Vernon Smith, and we had a good deal of conversation upon the subject; but I have, I think, already mentioned that I explained to him (and I spoke perfectly unreservedly to Mr. Vernon Smith), the difficulty I was in, from some very influential friends taking a somewhat different view of this proposal of the Ameer; but which I had been induced from his own persuasion to adopt. I told him I would be no party to sending

sending any memorial to the Court of Directors, unless there was a perfect certainty of its being accepted; I think the reference to the Indian Government was introduced in the course of the negotiations by those who represented the Court of Directors, as a concession to be made by the President of the Board of Control; that is my distinct impression. I remember Mr. Vernon Smith saying to me, that it was infinitely better for Ali Moorad to have a less concession made by the Court of Directors than a larger concession made by him against their wishes, because the Court of Directors being a permanent body, would never go back from their acts, and a future President of the Board of Control might change what he adopted. My reply to that was, that I dismissed all apprehension upon that point; I thought I might be perfectly certain that he would be there at all events long enough to see this case carried to an end.

1934. Did you communicate to Sir FitzRoy Kelly the substance of the negotiation?—The substance I did. It was understood between me and Mr. Vernon Smith that the exact nature of our conversations was not to be repeated, nor have I repeated them now; but the general substance of them I was at liberty to communicate, both to Ali Moorad, which, I beg to say, I could only do through Mr. Coffey, and also to Sir FitzRoy Kelly. It is, perhaps, also right to add, that when I speak of promises and assurances, everything of that nature was always given to me with this qualification. Mr. Vernon Smith invariably said, "You must remember I cannot pledge myself; remonstrances may come from the India Board, to which I, as a Minister, am bound to listen; and there may be an event in which it may be necessary to take the opinion of the Cabinet, and of course I cannot pledge myself as to what alteration in my views may be made in either event."

1935. Will you turn to the evidence commencing at question 42: "I want to take you back to 1856; do you recollect, at any time, Mr. Butt showing you a letter which he had received from Mr. Vernon Smith?" "He showed me many letters from Mr. Vernon Smith."—"I allude now to a letter which was written to Mr. Butt by Mr. Vernon Smith upon the subject of a certain notice that Mr. Butt said he was about to put upon the books of the House of Commons?" "That was in 1857."—"You recollect such a letter as that?" "Yes."—"By whom was that shown to you?" "By Mr. Butt."—"As purporting to be a letter from Mr. Vernon Smith?" "Yes."—"Did you see the letter?" "I did."—"Did you read the letter?" "I did."—"In what month in 1857 did you see this letter?" "July or August; I should rather say July."—"What were the contents of that letter?" "As well as I recollect, Mr. Butt wrote to Mr. Vernon Smith, to say that he would bring on the motion as to Ali Moorad. A particular paragraph which struck me, and pleased the Ameer, was, that Mr. Vernon Smith hoped, at this unseasonable time, he would not bring on such a motion, as it would so much embarrass the Government." Did you write any such letter to Mr. Vernon Smith, or did Mr. Vernon Smith write any such letter to you?—I would first wish to allude to question 42, where he says, "He showed me many letters from Mr. Vernon Smith." Certainly I do not think that I had many letters to show. I think I got three letters from Mr Vernon Smith during the whole course of the negotiation. That was the only one that I showed, the letter now adverted to. I did show several notes, written by Mr. Vernon Smith's secretary, appointing interviews with the Board of Control; but I ought to say, that I think, of those letters, only two referred to Ali Moorad's case. I had ventured to make to Mr. Vernon Smith some suggestions when the mutiny broke out. Turning my attention to Indian affairs generally at the time, and having the advantage of acquiring some information from Ali Moorad, I had once or twice written to him (I think twice), to make suggestions which he did not follow. One of those letters he acknowledged and answered. That letter I did not show.

1936. I am asking you now with respect to this letter, which is referred to in the answer to question 50?—I never felt more mortified, I will say humiliated, in my life than when I heard Mrs. Parr say that she had seen that letter. I do not think she did see it.

1937. *Chairman.* Can you refer to the answer where she says so?—I heard it; I hope I am wrong; certainly that was my impression. It is in answer to

J. Butt, Esq., M.P.

1 March 1858.

question 1106. The facts of the case, with regard to that letter, were these: sometime after the memorial was sent in, it may have been the end of July, or it may have been earlier, I learnt positively that the East India Directors had determined on sending a hostile reply to Ali Moorad's letter. I certainly was very much excited, and I sat down and wrote to Mr. Vernon Smith a very, very strong letter privately, and I told him that on the assurances which he had given me, I had induced this unfortunate prince to disregard the advice of most powerful and influential friends—to send in a memorial which never would have been sent, if we had understood what was to be the end of it. I told him that I now regarded it as a matter of personal honour. Although I have not a copy of that letter, I am afraid that I used exceedingly strong expressions, of course not intending to apply them to Mr. Vernon Smith, but with regard to the double Government. I stated in that letter that I did not think the mutiny itself ought to prevent such a case being brought before Parliament, and it was an additional reason, for there would never be peace in India while there was such a system of Government. I remember that expression in the letter. Then I asked to see him, and Mr. Vernon Smith's reply was (I recollect the words almost), "My dear Sir, I will be happy to see you at the Board of Control any time after two o'clock." Perhaps he appointed the next day. He then said, "I should be indeed surprised to find *you* (with a dash under "you") a party to any proceedings in Parliament which would at this moment injure the cause of England in India."

1938. Have you got that letter?—No, I have not; I ought to say that my friend Mr. Irwin, who was with me, a gentleman of whom you have so often heard, had, in fact, got up for me the entire of this case of the Ameer, and the materials of that memorial that was presented, were all supplied to me by him. He had studied the Blue Books much more than I had. I gave to him all the papers that I had about it; he had them; and when he went off unexpectedly to India, he wrote for his papers to be sent after him, and, after inquiry since, at two or three places, my impression is that the box containing the few things I had preserved with reference to this matter is now on its way to India. I know that I have a copy of my letter to Mr. Vernon Smith. When I received that letter from Mr. Vernon Smith, I have a particular reason for remembering distinctly that of that letter I had a copy.

1939. Mr. *Bright*.] Is that copy amongst those papers which you believe are on their way to India?—I believe so. I am not sure, even if I had a copy, that I would be justified in reading it to the Committee, unless under their instruction. It related to conversations with Mr. Vernon Smith, which we considered then confidential, and, without being compelled to do so, I would only wish to state the general substance.

1940. Mr. Serjeant *Deasey*.] Can you produce now either Mr. Vernon Smith's answer, or a copy of your letter?—No; Mr. Vernon Smith's answer, if it is in existence at all, is amongst those papers. What occurred about Mr. Vernon Smith's answer was this; it was really unimportant, and I read it to Mr. Coffey; he said to me that he thought the Ameer would like to see that letter. I said I had not the least objection. I did not like giving a letter in that way, as if I was showing the letter of a Cabinet Minister, and he said to me, "The Ameer has once or twice expressed to me his annoyance that you should receive letters on his business which you have not shown him." And I said, "This is as good a letter as I can show him; there is nothing in it; take it with you." Mr. Irwin was present at that conversation, and whether I handed that letter to Mr. Irwin or Mr. Coffey to read to the Ameer, I really cannot tell.

1941. Does Mr. Irwin read or speak Hindostanee?—No; Mr. Irwin and Mr. Coffey were both together. I perfectly understood that the letter would be read by Mr. Coffey; what I mean to express is, that I am not quite certain to which of them I handed it. I regarded it as a matter perfectly immaterial. I thought there was nothing in that letter which might not be published at Saint Paul's Cross, or I would not have given it.

1942. I understand you to convey to the Committee that it was in that way that Mrs. Parr saw the letter?—If Mrs. Parr saw the letter, it must have been in that way; certainly it was without my sanction, or without my dreaming of it.

1943. You never showed it to her?—Certainly not; I had an interview. I may now mention, in accordance with that letter with Mr. Vernon Smith, in which I found that there had been a further negotiation opened again with the East India Board, and he told me he still thought that matters would be accommodated without his being compelled to exercise his controlling power over the Court of Directors.

1944. You heard Sir James Hogg say, that you had an interview with him, in which you pressed for an early decision upon the Board, with the view to bringing the case before Parliament if it were adverse?—Yes.

1945. Was there any intention at that time in reality of bringing the case before Parliament?—Not the slightest; it was utterly impossible to bring this case before Parliament in the month of July or August.

1946. Why did you state so to Sir James Hogg?—I did not state it; I do not wish at all to put my accuracy or truthfulness in conflict with Sir James Hogg, but I had a reason for watching my words which he had not. When the memorial was presented, I had, among other things, certainly an understanding with Mr. Vernon Smith that there was to be immediately an answer given; we did not contemplate at all the possibility of the answer not being a favourable one; but I said, supposing it was by any possibility to fail, the Session should not be lost. Ali Akhbar, who I discovered then was the Ameer's accredited vakeel to the Court of Directors, a fact of which I was totally unaware, in the early part of the negotiation with the Board of Control, came with the Ameer to me, and he read that memorial over and over again. Ali Akbar did not wish that memorial to be sent to the Court of Directors, and he reminded the Ameer that he had been assured that he would find that the effect of sending that memorial, would be only that the Court of Directors would find means to delay this through the Session, so that nothing could be done. When I found that that was very likely to be the case, I determined to get an answer, and it was in the House of Commons I spoke to Mr. Mangles. I took very good care not to say to him that there was any intention of bringing it before Parliament, but I said, "The friends of the Ameer are entitled to consider whether they will bring his case before Parliament this Session or not." Mr. Mangles said, "That is perfectly fair, and I would advise you to speak with Sir James Hogg; he has more to do with expediting the matter than I have." I think he said that he was Chairman of the Political Committee. Upon that I did go to Sir James Hogg, and I remember that I used, if I may dignify it with that name, a little diplomacy: I was particularly cautious in my language. I used the same terms that I had with Mr. Mangles, knowing perfectly well, that if I said directly, that either I, or any one else, intended to bring it before Parliament, I would have said what was not true.

1947. Will you state to the Committee what was the language which you used to Sir James Hogg?—I do not pledge myself to the precise words, but it was to this effect, that it would be very unfair not to give an answer at once, and leave the Ameer's friends to judge whether it should be brought before Parliament or not. I should have felt myself perfectly justified in putting that position, without revealing the secret councils of the Ameer's friends, but I could not have been justified in saying that there was any intention of bringing it before Parliament.

1948. At that time, when you had the conversation with Sir James Hogg, was it practicable to have brought it before Parliament that Session?—I should have thought it perfectly impossible. I do not know whether the Supply nights were all over or not; whether or not you would not have got any one to listen to this case in the middle of August, independently of the objection arising from the state of India and the mutiny; objections which existed of course. My object in going to Sir James Hogg was to expedite the matter. He received me with extreme courtesy. We then went fully into the discussion of the Ameer's case. I knew that he was a strong enemy of the Ameer. Certainly, throughout my interview with Sir James Hogg, my object was getting every information I could from him, rather than the hope of convincing him.

1949. Will you tell the Committee when the Ameer left England was it part of the arrangement, or was it understood that he was to go at once to India?—Mr. Vernon Smith himself, in my presence, through Sir George Clerk as interpreter, requested him to go immediately; I think it was in the middle of July; the Ameer ought to have gone to India by the last boat in July.

 1950. When

J. Butt, Esq., M.P.

1 March 1858.

1950. When he left, on the 22d of August, was it for the purpose of leaving by the earliest packet?—Decidedly.

1951. When were you to follow him?—He was very anxious that I should go with him, but that I refused; and he then said he would not ask me to go until the rainy season was passed. I was to have left England by the last boat in September, or the earliest boat in October.

1952. When did you first learn that the Ameer had not proceeded by the earliest packet: do you remember the telegram that came to you from Mr. Coffey?—The first intimation I had of the Ameer's not proceeding by the earliest packet, or my first suspicion was excited by that extraordinary letter, dated "Monday, *en route* Frankfort," and on seeing the Paris post-mark on Thursday; I went over to Dublin a day or two afterwards, and I recollect having an interview with Mr. James Coffey, and showing to him this letter, and saying, "I am quite certain that something has kept them at Paris; the Ameer will lose this boat too."

1953. Do you recollect receiving a telegram from Mr. Coffey at Trieste?—That was in London.

1954. Do you remember the time that you received it?—I do; I came to London on the 11th of September. I went on Monday or Tuesday, I am not sure which, either the 14th or 15th of September, to the Board of Control to see Mr. Vernon Smith, not at all in reference to Ali Moorad's affairs. I went to ask him for a cadetship, and he said to me, "Oh, I am glad to see you; have you got my letter?" I said, "No; what letter?" He said, "I have sent you an official letter. I have sent it to your house, 17, St. James's-place." I told him that I was only here for a few days; that I was stopping at an hotel, and I had not got it. He then stated to me the telegram from Vienna. He did not say anything to me, as well as I recollect, about the memorandum relating to Ali Akhbar. I am anxious to vindicate myself from the imputation which I think has been cast upon me of having ungenerously, and not only ungenerously, but most unfairly, permitted Mr. Coffey to lie under any imputation with regard to that 2,000 *l.*; I never did. At the time of my conversation with Mr. Vernon Smith I had not seen the memorandum, and our only conversation was about the telegram. It amounted, I think, in substance to this, that I told him that I had seen by "The Times" that the Ameer had not been in Vienna till the 10th of September, and that I had also seen that he was going on by the next boat, and I said, "He is on his way to India, and I do not know what is to be done. If Mr. Coffey is with him, and gives this information in Bombay, I suppose Lord Elphinstone will imprison him."—"Very probably," he said; I said, "His sons are in reality exerting themselves strongly for the English Government, and if they find their father imprisoned, that will drive them to rebellion, and be their ruin. On the other hand, if I write to the Ameer, and my letter happens not to reach him till he gets to Khyrpoor, I am perfectly certain he will hang Mr. Coffey." If my letter had reached him, with Mr. Coffey in his own territory at Khyrpoor, charging Mr. Coffey with giving false information against him, I certainly was under the impression that the Ameer would have hanged him. It excited me a good deal, the whole position of affairs.

1955. Was it in consequence of that communication with Mr. Vernon Smith that you went to Vienna?—In consequence of that telegram I went to Captain Langley, who had been in the employment of the Ameer as his interpreter here. I knew Captain Langley very little, and I telegraphed to my friend Mr. Irwin, who was then at his father's house in Gloucestershire, to come up to me. He came, and we considered what was to be done, and I also consulted another friend who was in London, and finally I made up my mind that all that could be done was for Mr. Irwin to go out to India, and cautiously communicate this intelligence to the Ameer. While we were deliberating in this way, this telegram came to me from Dublin, and to my great relief informed me that the Ameer was waiting for the boat of the 27th; that telegram, I think, I got on Friday by post from Dublin; it was enclosed in a letter.

1956. When did you leave for Vienna?—The moment I found that the Ameer was still at Trieste, I determined on going myself. On the Saturday I saw Mr. Vernon Smith for a few minutes; he was just starting for the railway, and he appeared to be afraid that he would lose it. I told Mr. Vernon Smith of my going to Vienna, and he said that it was the best course for me to take, and

gave

gave me a letter of introduction to Sir Hamilton Seymour. That was on the Friday, and on the Sunday night, instead of going home, as I had intended, I started for Trieste.

1957. When you went to Vienna did you communicate with Sir Hamilton Seymour?—Yes. When I went to Vienna I saw the attachés at the embassy, and I saw Sir Hamilton Seymour afterwards. When I spoke to the attaché, whose name I did not ask, I fancied I was speaking to Mr. Irwin. I found, from the Foreign Office Guide, what I supposed to be his name, and he told me of this information. I then said, "I can hardly credit it. I do not see what object Mr. Coffey could have had in giving such information. I can understand any man honestly saying in casual conversation, 'the Ameer has been so badly treated that I would not be surprised if he turned round on the English Government.' It would be a very indiscreet thing for any one connected with him to say, and it would not be the truth, and probably if you heard that repeated in casual conversation, it would have been your duty to have inquired; it is very possible that the information may have come in that way." The reply was both from Sir Hamilton Seymour and the two gentlemen I had seen. "No; Mr. Coffey came here, and deliberately tendered to us the information." Sir Hamilton Seymour told me that there could be no mistake, and that he would not have telegraphed home, and taken such a step, unless the information was tendered to him very formally. At the same time he said that if he had been able to write a despatch then, he would have said that he thought that the information was not to be regarded; but that he had no time to do anything but telegraph. He certainly said that he considered himself bound to send on that information.

1958. Did you say to Sir Hamilton Seymour that Mr. Coffey was a blackguard, or did you use any such word?—I never used that expression; when the conviction was very reluctantly forced upon me that it was a deliberate act, I do remember throwing up my hands, and saying to Sir Hamilton Seymour, "It is the most ineffable piece of treachery that I could conceive." I will not even undertake to say that the word was not stronger than "treachery." It certainly was not "blackguard." Then Sir Hamilton Seymour gave me a letter to Consul Raven to do anything he could to help me, saying, that I was engaged in something of importance to the Government (I think that was the phrase), and to give me any help that he could in anything I wanted.

1959. When did you arrive in Trieste?—On the Friday night.

1960. What day of the month was that?—Friday, the 26th of September; I remained a day in Vienna to see Sir Hamilton Seymour.

1961. Did you communicate then to Mr. Coffey and to the Ameer what you had heard at Vienna, or did you communicate to them the telegram that had been sent by Sir Hamilton Seymour to the Government here?—Captain Langly whom I brought with me it was. Of course, had I not taken some gentleman who could speak the Hindostanee language, my going out was perfectly useless. I could not speak it, and I would have been unable to communicate with the Ameer. With that view, I took Captain Langly, and Mr. Irwin I took with me to be with myself. At Cologne I sent a telegram to the Ameer to say that I and Mr. Irwin were both coming, and that appeared to be a reply to Mr. Coffey's telegram, inviting me from Dublin. At Vienna I received the letter from Mr. Coffey, with the Persian postscript from the Ameer, which the Committee have already seen. On the Friday night Captain Langly wrote to the Ameer in Persian, to say that I was coming, and that he was with me, and I got what I now believe to be the Ameer's answer to that letter, written to him that night at the hotel. I am not able to read the Persian. It was sent to me this morning from Dublin. I had written, that any papers bearing upon this matter, should be sent, and I have no doubt it is the reply.

1962. Did you see the Ameer, or Mr. Coffey?—Not till the Saturday morning.

1963. Mr. *Bright*.] Was that at Trieste?—Yes, on the Saturday morning. I confess that I still hoped and clung to the belief that Mr. Coffey could offer some explanation. I felt myself placed in the most painful position with regard to his brothers, and I still hoped that he could offer some explanation; and at the same time I thought I must test him. I did not show him the telegram in the first instance, perhaps it would have been fairer if I had, but I did, as is described in my letter to his brother; I went to him, and I asked him why he had

I. Butt, Esq., M.P.

1 March 1858.

had deceived me about bringing the Ameer away from Paris. He said, "I think it was want of money kept him from Paris." I said, "That is not what I asked; why did you write a letter *en route* to Frankfort, when you were not going there; that letter, Coffey, must have been intended to deceive us, but," I said, "that is a trifle; now you are in a scrape"—(we were alone)—"and the only way that you can escape from it, is by telling me unreservedly, no matter what has happened, or what you have done, tell it me, perfectly, unreservedly; and if I can I will bring you out of it." I think I used the expression, "For God's sake act candidly at the last moment, and all may be right yet." I then asked him to tell me everything that had passed since he left England; he gave me an account, and I said to him, "Will you pledge your word of honour to me as a gentleman, now that you have stated everything that could be of the slightest importance, incident in your journey?" He said, "Yes, I do." "Most solemnly?" said I. "Most solemnly," said he. I said, "Let me bring your attention to Vienna." He said, "Yes." I said, "Did anything occur at Vienna that you think it right to tell me?" "Nothing," said he; and I certainly got very indignant about it. I said, "Sir,"—(I used that expression)—"do you know that I have seen Sir Hamilton Seymour?" He said to me, "I never saw him." I then produced the telegram. I said, "I can listen to no explanation now; whatever explanation you give, must be given before the Ameer."

1964. Did you go with him to the Ameer?—Yes; he came before the Ameer, and I made Captain Langly, in his presence, translate both the telegram, Sir George Clerk's letter to me, and the memorandum relating to Ali Akhbar, which I knew had been left by Ali Akhbar; all three were translated to the Ameer in Mr. Coffey's presence. He began to say something about the memorandum, but I said, "Let us dispose of the telegram first," and the Ameer asked him what he had to say. I recollect distinctly his reply was "I give it an unequivocal denial; it is a concoction of the Embassy." The Ameer rose very indignantly, and he said, "Then I have nothing to do but to return instantly to London, and discover whether Mr. Coffey or Sir Hamilton Seymour be the liar." He said this in Persian, and it was translated to me by Captain Langly; he seemed at first greatly excited, and afterwards became exceedingly depressed. However, Mr. Coffey then, after a little time, said, that something had passed, and that he had seen a paragraph in the paper about the guards, and that he had gone to ask if Bombay was in insurrection. I said, "Why did not you mention that to me?" He said, "I treated it as a matter of no importance at all, and it is very hard that a man should be condemned unheard." I certainly said I was not condemning him unheard; I said, "I wish that you should give some explanation of your conduct if you can." I said, "If you take my advice, you will not place yourself in competition with the gentlemen at the embassy, for no human being will ever believe that that telegram was sent home without your having given information, and if it were so, Sir Hamilton Seymour ought not to be Ambassador at Vienna another hour."

1965. Was it then that Mr. Coffey gave you that written explanation?—No; the Ameer then said to him, "Will you put that explanation into writing, and give it to me?" Mr. Coffey said, "Yes;" and I think there were one or two drafts that were shown to my friend, Mr. Irwin, before that statement was finally given to me; it was not given till the Sunday. Before it was given, in order to have the matter complete, I gave to Mr. Coffey that Minute of what I informed him was laid to his charge, that he might distinctly answer it. The Ameer objected to that statement, and said, "Mr. Coffey has not inserted the words he used in my presence. He will not say that that statement is a concoction of the Embassy." Mr. Coffey took back the statement for the purpose of writing that or making a new one, but he sent it back without that, and the Ameer then insisted that Mr. Irwin, Captain Langly, and myself, should sign and give to him a written statement that upon my first making the charge against Mr. Coffey, he had replied that it was a concoction of the Embassy.

1966. Go on with the narrative; what occurred then?—I ought to mention that I found the Ameer totally changed from what I had seen him when he left this; he was looking wretched; he was not the same size, and he was in an upper room in not one of the first hotels.

1967. Mr. *Bright*.] At Trieste?—Yes. He appeared greatly excited on Saturday, and said there was nothing for it but his instant return to London. I told him I had the authority (and it was the only instance in which I ever represented

days before, with whose mother I had a slight acquaintance, and that he would ask him to come to the Ameer and interpret. I perhaps indiscreetly told Mr. Coffey that I wished to see the Ameer alone, and that I had a friend, Captain Keyes, who would be my interpreter. I went to the Ameer; Mr. Coffey came to me early the next day, and remained not in the room with me, but backwards and forwards the entire day, and when we were going up to the Ameer, he sat on the box of the carriage. *I. Butt, Esq., M. P.* 1 March 1858.

2034. *Chairman.*] Was this in Cleveland Row?—No, not in Cleveland Row; I had merely temporary lodgings, I think, at the Waterloo Hotel. When Mrs. Butt and I came to town first, we stopped for a short time at the Waterloo Hotel, and then we went afterwards into lodgings in St. James's-place. I am quite sure that this was at the Waterloo Hotel. We drove up and called for Captain Keyes on our way. I went to the Ameer and I said to Mr. Coffey, that he must not be in the room. Captain Keyes and I had some conversation with the Ameer, not very long, and Mr. Coffey came in once or twice. The first question that I put to the Ameer, through Captain Keyes, was, whether he had sent any message, and I understood him to say positively not. I then asked if he had sent me any message by Ali Ackbar, and I also understood him to say not. The Committee will see presently why I say I understood him. I then desired Captain Keyes to put the question also to him, had Mr. Coffey got money of his, and he said he had. Had he given him an account, and he said that Mr. Coffey had given him great bundles of accounts; that they were not settled, but that he was sure that Mr. Coffey would do whatever was right. Then I asked him distinctly, "If any person had told me that Mr. Coffey has been cheating you, is it true?" and he said "No." I then asked him, "Have you any reason to suspect Mr. Coffey of any unfair dealing towards you in the matter of money?" And the Ameer certainly said that he had not. I then told him that Ali Akhbar had come with a message from him to me, which I thought was very wicked, and it was an injury to Mr. Coffey. I said something of this sort, that it was impossible to deal with people if this kind of thing was to be done; and I then desired Captain Keyes to put to him plainly this question: "Am I trust for you, Mr. Coffey, or Ali Akhbar?" I had a reason for telling him at the same time that I put that to him, that it was a matter of indifference to me; that all I wanted was for him to tell me whom I was to trust, and he said, "Mr. Coffey." I then desired Captain Keyes to say that there was another question which I wished to ask him, and I told him that it was a delicate subject to speak on, but I must ask it. I asked: had any one ever represented to him that any money of his had been used for the purpose of obtaining support from the press or in Parliament? and he said, "No." I then told Captain Keyes to explain to him, that whatever they thought in Asia, any attempt of the kind here would be perfectly fatal to his cause. I spoke particularly about the press, and told him that any part of the press that could be got to take up his cause for money, if it could be, was worthless; and that if any persons professed to spend money in that way, they were cheating him. His reply was, that he knew English customs and English habits too well not to know how it would ruin his cause. I believed when this Committee first sat that Captain Keyes had gone to India. Fortunately for me, he was in bad health. I sent to the East India House, and I found that he was at Malvern in very bad health. However, I sent him a summons from this Committee, and he is now ready to depose to this conversation as I have told it to you, substantially. From that time forward, I gave unreservedly my confidence to Mr. Coffey; there was the reaction of an unjust attack, and what I believed a false suspicion on my part. I think it right to say that although the letter cannot be found, I wrote that statement of it to the Board of Control, in reply to Ali Ackbar's memorandum, stating that after what had occurred, I did not think that Ali Ackbar's statements were entitled to any credit. It is right for me to say, and with very great regret I am obliged to say it, having mentioned that conversation, that the Ameer complained to me at Trieste of Mr. Coffey having treated him badly, and he told me that Mr. Coffey constantly assured him, that unless he did everything he desired, I would have nothing to do with his case, as I was his friend. I said to the Ameer, "I gave you one opportunity of speaking to myself unreservedly, why did not you use it?" He told me then that Mr. Coffey had come to him that morning, and had represented to him that I was very angry with him, for I had discovered that he had been talking

I. Butt, Esq., M.P.

1 March 1858.

talking against him, and that I got in a great passion, and said that I would have nothing more to do with his case, and that I resumed it only upon his entreaty. Then Mr. Coffey had told him that I was bringing a friend of mine to cross question and examine upon this point, and if he acknowledged any such thing I was determined to give up the case. He said all he had said to me was strictly true; he did not bring any charge against Mr. Coffey about money; he said that the accounts had not been given, and that was all he had to complain of. I then reminded the Ameer of his saying so to me, and he said that he had not given a direct answer to the question. He said, "You asked me whether you were to consider Mr. Coffey as having my confidence. I said you were, because I was pressed to put him in that position with you." He said, "I never directly said no, but I evaded all the questions that you put to me." I think I am bound to state to the Committee, though I do it with pain, that that occurred at Trieste, and for that I am depending upon the interpretation of Captain Langly.

2035. Mr. Serjeant *Deasy.*] I come to the evidence of Mrs. Parr; do you remember who introduced you to Mrs. Parr?—Mr. Edward Coffey; Mr. Edward Coffey, and also my friend Mr. Irwin, were a good deal at Mrs. Parr's, and both of them told me that she was a lady, both by birth and education. Mr. Coffey, of course, was the author of that statement.

2036. Mr. *Roebuck.*] Why do you say that?—Because Mr. Irwin did not know her; Mr. Edward Coffey did. I know that Mr. Irwin has given me this account, and I know also that Mr. Edward Coffey has given it. I always understood that she was a relation of Mr. Edward Coffey's; that was the impression upon my mind, but I cannot say from whom I heard it. Mr. Irwin told me that he had been to parties at her house, and had met very nice people there; and Mr. Coffey also said that she had been of considerable use to the Ameer, in introducing him to different persons. I mention no names, but finally Mr. Edward Coffey asked me to go to Mrs. Parr's; I did, and I was introduced, and she then asked me to go to parties at her house, which I did not do. She also repeatedly asked me to go to her opera box, but I did not do that; and Mr. Edward Coffey said, at last, that Mrs. Parr was struck by my constantly refusing; she took it as a slight. From what I had heard, I was unwilling to throw a slight upon her; and upon that representation I went to the opera very late one night; I went to her box just as she was coming away, and I sat down for some minutes. We were talking about the Ameer's going, and I think I said, "What do you say to it Mrs. Parr?" It was a subject of free conversation. She has made it appear that I was flattering her, by asking her opinion. I went home to her house that night; Mr. Coffey was there; and either he or she turned round and said, "We are going to have some supper, will you do so?" As to that conversation, that I was going out to take up Indian cases, it was this, I recollect. I recollect we had a conversation about presents being given; it originated in my saying that the Ameer had told me of some presents that he had made to Europeans, I think to the Governor-General. We were talking of Indian customs and Mr. Coffey said, "If you were out with the Ameer" (as far as I can fix that conversation at this time, there was nothing definite about my going to India); "If you were out in India, and had to call upon the native princes, the first thing would be, that a present would be given you, and you could not refuse it." I said, "If I was to go out to India, I would come home laden with all kinds of gold and precious stones;" and upon that the conversation must have been founded. I never said a word about taking up the cases of native princes. Every step of this accusation supposes me to be a fool.

2037. Do you remember Mrs. Parr calling upon you, and the occasion of your giving her that letter which has been read?—I do; that is very lately; I think it was Saturday fortnight.

2038. Just state with regard to that, the substance of it?—Mrs. Parr came to me with the lady who lives with her, the same lady whom I had met at supper, and asked to see me. I was rather surprised; perhaps I ought not to have seen her. I asked her to sit down, and she sat down, and she said that I had inflicted upon her the most grievous wrong that any man could do upon a woman. I said, "Mrs. Parr, if I have, it is unintentional; in any allusion that I have been obliged to make to you wherever it were possible, I have suppressed your name entirely; I certainly have never said anything intentionally to injure you. Will you tell me what you charge me with?" She then said that she

she had seen a letter from Mr. James Coffey, and I think she took out a bit of paper and read some words which I had used. She said that I had in my possession a letter from the embassy at Vienna, which charged her with living with Mr. Edward Coffey as his wife, and she then gave me a very full account of what took her to the Continent and of her travels, and stated that all her family knew it; that she was accompanied by her son, and that there was nothing indecorous in that travel. I said, "I never have said that there was;" I told her then, that I never made such a statement. I said, "I certainly did receive a telegram in which Mrs. Coffey was mentioned; but I cannot understand how that could injure you, although you were the person." She then said that Mr. Elliot acknowledged that it was a mistake, and she read Mr. Elliot's letter. I said, "All I can say beyond the statement of Mr. Elliot is, that I have never said one word to Mr. James Coffey upon the subject." I remember saying that it was curious enough that I had avoided, even to him, the mention of your name." She then said, "Have you any objection to write that for me." It took me a little by surprise, and I said, "Well, as a gentleman, I cannot refuse;" and I said, half laughingly, "Would you like me to add that you were at Trieste?" She said she had no objection. "Well," said I, "I will not do that; I will write just the letter you ask me," and I gave her that letter. She seemed very much affected, and she said I had acted like a gentleman, for I little knew the misery and expense it caused her; she had undertaken the journey to Vienna and she had lost friends by it, and she said that a large sum of money would not compensate her for what she had suffered. I said, "I regret that extremely, Mrs. Parr, but why did not you, hearing that I had made such a statement, instead of going to Vienna, write to me at Dublin, and I would have given you that statement, or any statement that I could make with truth to exculpate your character, without the expense of going to Vienna." She said to me then, "Well, you have acted like a gentleman; I now withdraw from this case." "But," she added, "You will hear more of it;" "You cannot expect me to stop Mr. Edward Coffey from vindicating his character; he is determined that the matter shall not rest," and she left.

2039. When did you hear first of the intention to present this petition?—The petition was presented on the Friday, and I heard of it on the Tuesday.

2040. Colonel *Wilson Patten.*] After this interview?—This interview was on the Saturday; I ought to have added, that she told me her object was to go on that night to Mr. James Coffey, and make him retract; I enclosed him a copy of the letter that I had written to her with a letter of my own, telling him to be prepared for a visit from Mrs. Parr, and saying, that I hoped he had not been indiscreet enough to say what she supposed he had said, but I thought he should know the letter that I had given her.

2041. Mr. Serjeant *Deasy.*] When were you first apprised of the intention to present this petition?—On Tuesday it must have been; I said, I knew it on Tuesday, and I did so.

2042. Will you you tell the Committee how you were informed of it?—I would rather not, unless ——

2043. Mr. *Roebuck.*] So far as I am concerned you may tell everything that has happened between me and you?—It is not between us at all; I did get the information conveyed to me by a person whom I do not know, that there was a conspiracy forming against me on Tuesday.

2044. Mr. Serjeant *Deasy.*] Was it in consequence of what Mrs. Parr stated that you telegraphed to Mr. James Coffey, and to Mr. David Coffey?—The information was given me by a person whom I do not know, and would not know if I saw him now.

2045. What were the contents of your telegraphic messages to them?—My first telegraphic message was simply to Mr. James Coffey to come over at once, and to bring his brother with him, without saying why. He telegraphed to me that he could not come, and I paid no more attention to it.

2046. *Chairman.*] Which brother; was it David?—Yes; it went further than a conspiracy, because I was told that I would be publicly charged in the House of Commons with, I forget the expression, but it was scandalous conduct. The information began by saying, "A lady was with you on Saturday." I said, "Yes;" "You were fool enough to give her a letter," and I said, "Yes;" and he said, "That lady is at the bottom of it."

2047. *Chairman.*] Was it a verbal communication?—Yes, it was made to me

I. Butt, Esq., M.P.

1 March 1858.

by a person whom I did not know, and would not know now. The person who made me the communication said, "You ought to have Mr. James Coffey over here."

2048. The name and address of that person, have you since ascertained?—No; it is a curious thing I do not know that person.

2049. Mr. *Roebuck.*] Do you know his name?—No.

2050. *Chairman.*] Nor his address?—No.

2051. Mr. *Roebuck.*] Why did you say that you would rather not state how this information reached you?—I said I would rather not for this reason; I did not know who that person was; he was so far disguised that he had his coat up here (*the Witness here turned up the collar of his coat*); he told me he must remain unknown to me, and that he was impelled solely by a sense of honesty and truth to give me warning of this conspiracy.

2052. Mr. Serjeant *Deasy.*] Have you stated what your first telegraphic message to Mr. James Coffey was?—That day I was in the House of Commons, and some person, I presume (but I really do not know him), touched me in one of the passages, and said to me, "Have you seen that"? "What"? I said turning round, startled. He said, "Is Mr. James Coffey over here"? "No," said I, he is not coming." He said, "you are very inattentive," or something, "to your own interests; the charge now will take the shape of implicating the Coffeys in the conspiracy with you; they had better come over; and a petition is prepared;" I think he said it was in the hands of Mr. Roebuck; in the hands of a Member of the House.

2053. Mr. *Roebuck.*] Upon what day was that?—Wednesday.

2054. Mr. Serjeant *Deasy.*] Was it after you had telegraphed?—I telegraphed a second time, saying that there was a scandalous petition preparing, and for him to come over. The only thing further which I know upon the subject is this, that when Mr. James Coffey came over, he insisted on knowing how I came to telegraph for him; I told him of this mysterious visit, and he told me he had gone to Mrs. Parr, and he was greatly surprised that she could tell him the words of my telegram which had been sent.

2055. Will you tell the Committee where it was that that person first called upon you?—He came to the Waterloo Hotel, where I am now stopping. I was just coming out.

2056. Can you say that it was the same person that you saw in the lobby?—No, I cannot, except from a reference to the former conversation I presume it was this person; he came, and sent up, saying he wished to see me. I was just going out, and I sent down for his name; he refused his name, but the servant of the hotel told me he was writing a letter, and the message brought indeed was, that it was a matter of great moment that I should see him, but he would not give his name.

2057. *Chairman.*] Have you that letter?—No; it was a mere scrap of paper, and when he came up he threw it in the fire.

2058. Mr. Serjeant *Deasy.*] Can you say whether it was the same person that you saw the first time?—He then told me that there was a conspiracy against me. I said, "That is not pleasant information," or something to that effect. Then I said, "May I ask the name of my mysterious visitant." He said, "No, my name must remain a mystery—you may never see me again, or you may, but you will not know who I am." The second interview took place on Wednesday in the House of Commons.

2059. Mr. *Bright.*] In the lobby?—In some of the passages. I think the person took the opportunity of watching me in a dark passage.

2060. Mr. Serjeant *Deasy.*] Can you say anything as to the similarity appearance of the person that you saw in the passage and the person you saw at the hotel?—I should say it was the same person. I must say this, that after the person said to me that he came to give me information, and did not wish to be known, I turned away my eyes, and I took no pains to identify him.

2061. When was it that you received the first communication from Mr. Roebuck?—On Thursday evening.

2062. Have you got his letter?—His letter was merely an ordinary one, saying that he enclosed a copy of the petition of which he gave notice on Friday, and that he should move for a Committee on Monday.

2063. Have

2063. Have you got copies of yours?—No, Mr. Roebuck has the originaals.

The letters were handed to the Witness.

2064. The first is dated Friday morning"?—Yes.

2065. *Chairman.*] They are both dated the same day?—Yes, they are both the same day to Mr. Roebuck.

(*A Letter dated "Friday morning," signed "Isaac Butt," and addressed to Mr. Roebuck, was read.*) *Vide* Appendix.

2066. Mr. Serjeant *Deasy.*] Have you Mr. Roebuck's answer to that?—I find I have not brought it down. The answer was proposing, that when Mr. Roebuck gave notice of the petition that evening, I should stand up in my place and say, that I wished for time to go to Dublin.

2067. Mr. *Roebuck.*] Was there nothing else in that letter?—No, I think that is all that occurred in it; the writer said he was very much honoured with the confidence I expressed in him, but he declined to be arbitrator in the case; the word "arbitrator," it struck me was a strange expression, that I think was all; I do not remember anything more; I am sure I have the letter.

2068. *Chairman.*] This is the rejoinder?—Yes.

(*A letter from Mr. Butt to Mr. Roebuck, dated "85, Jermyn-street, Friday," was read.*) *Vide* Appendix.

2069. Mr. Serjeant *Deasy.*] Have you the answer to that second letter?—There was no answer to the second letter.

2070. I just wish to call your attention to an answer of Mrs. Parr's, to Question 1116; there is this passage in it, "Mr. Holmes wrote a private letter without my knowledge or Mr. Coffey's knowledge, to Mr. Roebuck, requesting Mr. Roebuck to stay proceedings until he heard from him. The instant that I heard of this I told Mr. Holmes, that as nobody living knew anything of this petition but himself, and Mr. Coffey and Mr. Roebuck, the information must have come from his office, and he did not attempt to deny it. I consequently imagine that this imputation has come from the same quarter." Did you get from Mr. Holmes, or from anybody in his office, any information respecting this petition?—Certainly not from Mr. Holmes; I know Mr. Holmes and that stranger was not Mr. Holmes; as to who that stranger was I do not know.

2071. Did you get from Mr. Holmes any information or statement with respect to that imputation?—Certainly not. The information as to that imputation came from a very different quarter. I am quite prepared to state, if the Committee wish, where I got the information that was used in the questions here. I am authorised to state. I would rather not say anything.

2072. It was not from Mr. Holmes?—It was not from Mr. Holmes, and if the Committee choose I am quite prepared to say where it came from; and as to that information, I know that Mr. Holmes had nothing on earth to do with it. Of course, I cannot say who that visitant was. I can certainly say that it was not Mr. Holmes nor any any one that I know.

2073. Is there anything further that you wish to state to the Committee?—I would be very glad to state to the Committee this: that when that offer was made to me of going out to India, and finally agreed to by me, towards the end of July 1857, I certainly did consider very anxiously whether that was an offer which I was right in accepting; but it never occurred to me, that directly or indirectly, it could be construed into a violation of my duty as a Member of Parliament. I balanced, of course, my professional position. I balanced the time that I might be kept in India, and so far from thinking it a violation of my duty as a Member of Parliament, I consulted several of my friends; two gentlemen who had come from Dublin. I consulted two of my most intimate friends: I consulted Mr. Otway the Queen's Counsel; I consulted, along with my own family, Mr. David Boyle, whose brother was the defender of Arrah, and who had been on very intimate terms with me ever since he has been called to the Bar. I spoke to several Members of this House, and among the rest I remember consulting Mr. William Seymour Fitzgerald. Some friends to whom I have spoken remind me, that in talking with them, I stated to them what I think the Committee will perceive, that it was of necessity that the transaction, if I went to India, must be notorious to the world, and it would be impossible for me to leave my profession and home, even for a year, if I remained so long, or even

I. Butt, Esq., M.P.

1 March 1858.

six months, without giving publicly the reason. I recollect distinctly stating to Mr. Fitzgerald, in estimating whether I ought to take this step or not, "Remember, it must be known the day I sail for India; I will endeavour to have a paragraph in the 'Times' newspaper, if I can get it in: 'Mr. Butt has gone to India as the confidential adviser of Ali Moorad, and we understand that he has received the sum of 10,000 *l.*'" It would have been utterly impossible for me not to state that I was going, and what I was to get for going. I always contemplated that when the arrangement was complete it should be notorious to the world. I would also wish to say this, that in estimating the prudence of my going, I say, unhesitatingly, that if any person came to me in the Hall of the Four Courts in Dublin, and without anything more, offered me 10,000 *l.* to go out and spend (originally it was contemplated that I might return in six months, I felt I had no certainty) six or twelve months in India, taking the risk of health and injury, in a professional point of view, ours is a profession which you cannot leave and return to it at once, I would refuse it. But at that time I had a very strong opinion that Scinde occupied a very important position, both commercially and politically in relation to the mutiny. I thought that by going out with the Ameer it was very probable that I might enable him to use that position in a way that would bring me advantages; I do not speak now of pecuniary advantages, far beyond 10,000*l.* It was this that principally induced me to go; and I further also felt then, and do still, that Ali Moorad could, if a certain contingency had happened in India, which, I am happy to say, has not happened, have rendered a most important service to the British arms. I regarded the 10,000 *l.* much more as an indemnity against the risk, which I was to sustain by going out, than in reality a temptation to go. The real temptation to me to go was, that I certainly thought I might take with him a very important post. I remember questioning him particularly as to the capabilities of this very land which he was seeking for being improved. I believed then, and I believe now, that Kurrachee will be one day the capital of India, and his territories will be a very important district; and it was these considerations, much more than money, which induced me to accept that offer; that, coupled with a very strong desire to defeat, if I could, those unfair devices by which I considered a just claim had been delayed. That money was promised to me purely and entirely for going to India; if I had not agreed to go to India I would not have received a penny of it, certainly not. If I do not go to India now, I am bound, and I consider myself bound, to return that 2,300 *l.*, and I will do so. I offered to return it at Trieste; I did not offer the money at Trieste, but I said that I would send it as soon as I arrived in London.

2074. Mr. *Roebuck.*] Will you be kind enough to fix, as nearly as you can, the date of your real consent to go out to India?—I think I have endeavoured to fix it by saying, that my impression is, that it was after we had moved from the Waterloo Hotel to 17 St. James's-place; and I have got to-day the date of our movement, which was the 24th of July; and that is confirmed by this, that I rather think my consent was given upon a very earnest appeal from Ali Moorad, after he had failed to go out by the last packet in July; however, I fix that, of course, subject to the inaccuracies which must attend recollections of this kind.

2075. Was the object for which you intended, or were asked to go out to India, to prosecute the claims of Ali Moorad before the Indian Government?—Yes.

2076. Then I suppose that you had at that time an understanding that the Indian Government would be called upon to decide those claims?—Yes.

2077. What was the date of the decision of Mr. Vernon Smith to that effect?—Some time in the month of June, I should say.

2078. Was it after or before the answer given to the letter of the Ameer by the Board of Directors?—Do you mean the final answer of the Board?

2079. I want to know, was it before or after the answer of the Board of Directors to the Ameer?—Long before.

2080. So that you had had a thorough understanding of what the result would be before any letter was sent to the Board of Directors?—I thought I had.

2081. And that that decision would be that the Indian Government would be

be called upon to decide upon the claims of Ali Moorad?—No, I did not understand that. *J. Butt*, Esq., M.P.

2082. Then why were you to go to India to prosecute the claims of Ali Moorad before the Indian Government?—You have not allowed me to explain my answer. The first understanding was that the matter was to be referred back to India. 1 March 1858.

2083. When you say the first understanding, with whom was that?—Between me and Mr. Vernon Smith. Speaking always of that, the first understanding between myself and Mr. Vernon Smith was that, although formally the matter was to be referred back to the Indian Government for Ali Moorad to make his claims to them, because the Court of Directors set their faces against Indian princes coming over to seek redress in this country, yet the instructions which would go would be so explicit as to leave, in fact, nothing for the Indian Government to do.

2084. At that time, why were you to go?—At that time I was not to go.

2085. When was it determined that you were to go out; the 24th of July?—As well as I can recollect, the 20th or 24th of June; I am able to fix it before this letter; how long before I cannot exactly say.

2086. If that was the case, was there an alteration in the determination of the Board of Control before your decision was taken, namely, to go to India?—Yes, there was.

2087. What was that?—The alteration was this; after several attempts to bring the Board of Control and the Court of Directors to a harmony of feeling upon the subject, a further concession was made, that instead of fixing the terms he was to go out generally to India, and it was left to the Bombay Government to determine.

2088. That was the understanding between you and Mr. Vernon Smith before the 24th of July?—It was.

2089. And that was made before any memorial was sent by Ali Moorad to the Court of Directors?—It was.

2090. So that you then had a confident anticipation that the result would be in favour of Ali Moorad, so far as sending his affairs to be determined by the Indian Government?—Yes, I had.

2091. And, therefore, his sending of the memorial to the Board of Directors was a mere matter of supererogation?—No, not at all; it was made a condition.

2092. What condition?—It was understood that nothing would be done unless he sent the memorial to the Board of Directors.

2093. Notwithstanding that, you had made an agreement to go out to India?—No, I had not.

2094. Surely that was your statement to me just now?—No, certainly not.

2095. Had you not made the agreement before the 24th of July?—July; yes.

2096. Before that time, you say there was a change of opinion in the Board of Control?—I beg your pardon, I thought you meant the 24th of June. I have endeavoured to explain what the nature of that negotiation was, very fully. The arrangement that was made, was this: Ali Moorad had previously petitioned the Queen, and I think he had petitioned the Court of Directors, impugning the justice of the sentence entirely. Upon that the Court of Directors had decided. It was thought necessary, not by me, but it was thought necessary to raise a new and different question; and it was arranged that that new and different question should be stated in a memorial, which, if the Committee send for, they will perfectly understand; and it was part of the arrangement, that that new and different question should be so raised by a memorial to the Court of Directors, that it was neither on the one hand to impugn the justice of the decision which found him guilty of that forgery, nor, on the other hand, was it to make any admission by him of the propriety of that decision; that was the great difficulty. It was the view, that part of these lands were secured to him by treaty, that enabled me to prepare that memorial, so as neither to admit his guilt, nor yet question the propriety of the former decision, but saying, that in

I. Butt, Esq., M.P.

1 March 1858.

any event, whatever view the Court took of it, they were bound to restore to him the Turban lands.

2097. Understand me, I want to know whether you had come to the conclusion, before the 24th of July, that Ali Moorad would be brought before the Indian authorities to make this claim?—Certainly.

2098. And that was so certain, that you entered into an engagement with him to go there to prosecute his claim before that tribunal?—We considered it perfectly so.

2099. And that, notwithstanding, you sent after that the memorial to the Court of Directors?—No, the memorial to the Court of Directors was sent on the 7th of July; and it would have gone nearly a fortnight before, but for my wavering as to the responsibility of it.

2100. Before you got the answer of the Court of Directors, you entered into that agreement?—I did.

2101-2. Was the answer of the Court of Directors to make any difference in that determination?—We never spoke of it.

2103. So that you then held the answer of the Court of Directors as for nothing?—I cannot say that; but if an unfavourable answer had come from the Court of Directors, I would have considered it the grossest breach of faith that ever was committed upon me.

2104. An unfavourable answer did come from the Court of Directors?—No, never. We knew nothing of what form it was to assume; but I was as sure as I now am that I am sitting here, that, in one form or other, ultimately Ali Moorad would get his claim.

2105. That is to say, it had been agreed upon between you and Mr. Vernon Smith that he would override any determination of the Court of Directors that might be contrary to Ali Moorad?—I cannot say that it was agreed that he should override it, because, as I say, he carefully avoided pledging himself; but certainly I perfectly understood, as far as one could rely upon any transaction that is not perfectly completed, or I will say as far as one could rely upon the honour of a British statesman, I had not any shadow of a doubt that any adverse decision of the Court of Directors would be overruled.

2106. That understanding you had framed in consequence of your conversations with Mr. Vernon Smith?—Precisely.

2107. Now the agreement was, that you should receive 10,000 *l.*?—Yes, it was.

2108. £. 3,000 before you left England, and 7,000 *l.* in bills?—The original agreement was an offer of half on leaving this country and a half in India.

2109. The original offer?—Yes; I forgot that, until by accident one of my friends whom I had brought from Dublin to say that I had consulted, saw the statement; he stated that it was half and half; I now remember that that was it.

2110. Shortly after that, you in order to test the sincerity of the Ameer, said "Pay me 500 *l.*"?—Yes, it was a fortnight after that.

2111. And the Ameer gave you 300 *l.*?—For which Mr. Coffey gave me a reason.

2112. After that, I think, you got 2,000 *l.* from the Ameer?—£. 1,999.

2113. After that you desired Mr. David Coffey to send to Vienna bills to the amount of 8,000 *l.*?—No, I did not.

2114. Do you deny those bills?—No, those stamps were obtained for the purpose of Mr. Edward Coffey arranging the matter that day, and it was a distinct understanding before Mr. Edward Coffey left, that he was to return to St. James's-place, and finally conclude the matter about the bills.

2115. The bill-stamps were by you handed over to Mr. David Coffey, with instructions to send them to Vienna; were not they?—Certainly not.

2116. Mr. David Coffey said that; what occurred?—What occurred was this: Mr. Edward Coffey said that he was going home with the Ameer, and he desired Mr. David Coffey to get the proper stamps, and to bring them up to the Ameer, and that he would come back to me at three o'clock; it was when the Ameer was occupied in packing or something of that kind. Mr. David Coffey told me the next day that the arrangement he had made with Mr. Edward Coffey was, that he was to send the bill-stamps after him I think to Paris; I do not think it was Vienna at all; I do not know really how that was.

2117. Who

2117. Who handed the blank stamps to Mr. David Coffey?—The man at the place where they were bought.

2118. Did you give no instructions to Mr. David Coffey to write on the back of them?—I gave him instructions as to the dates at which they were to be drawn at the time; I do not know whether he wrote them from those instructions or not.

2119. Is that Mr. David Coffey's handwriting (*handing a paper to the Witness*)?—I heard him say that it is.

2120. Upon whose instructions did he put those sums upon the back of those bill-stamps?—I heard him say it was upon mine. What I said to Mr. David Coffey was this: "Now," I said, "Your brother is certainly doing business in a very extraordinary way; he is very wild, and you must have this very explicit. I want part of this money. I would like to have half of it, so that if necessary I might turn it into cash; 5,000 *l.*, I do not care, may be at six months; 2,000 *l.* at four months. Let me have the rest in a way that I can turn it into cash," which would have carried out the agreement that I should have 3,000 *l.*

2121. Did you ever tell Mr. David Coffey that you had received the 300 *l.*?—He knew it.

2122. Therefore, if he had put those sums on he would have expected that you had received 300 *l.* beyond your agreement?—Subject to this question, whether I was not entitled to have what would have given me 5,000 *l.* in ready money.

2123. Has that anything to do with it?—Of course it has.

2124. How?—If I was entitled to receive 5,000 *l.* and got 2,300 *l.* in cash, and 2,700 *l.* in bills on Bombay, that would not have produced it.

2125. That is not 2,700 *l.*?—No, that is the very reason I take it for granted.

2126. You received 2,300 *l.*?—Yes.

2127. On those bills there are 8,000 *l.*—If they had been filled up.

2128. So that if they had been filled up according to the directions of Mr. David Coffey, you would have had a title to 300 *l.* more than the 10,000 *l.*?—No, I think not; the original agreement was to give me 5,000 *l.* in ready money; if I was getting bills the bills must be drawn for a larger sum, allowing for the interest and exchange on Bombay. I do not say it would have taken 300 *l.*, I think that was a mistake.

2129. Was not there some understanding that the Ameer was to pay the exchange?—I thought I was entitled to it; that, of course, would be by increasing the bills; that was the only way in which the Ameer could pay the exchange.

2130. Could he not have paid it right down; would not that have been the shortest way?—I should say certainly not. I am not much acquainted with these transactions.

2131. They were not bills upon Bombay?—They were to be. I perfectly understood that they were to be filled up as bills on Bombay. I have made my inquiries as well as I could get information.

2132. Are they not inland bills?—No, I am very sure they were not; it was the necessity of getting foreign bill-stamps that made me go with Mr. David Coffey to buy them; he did not know what foreign bill-stamps were. I believe the stamps on foreign and English bills do not show any difference in the stamp, but the amount is different; these stamps will not carry home bills to the same amount at all; there is no difference in the stamps as there used to be, but they would not carry those bills. Those were certainly intended to be drawn upon Bombay decidedly, and I had even made my inquiries whether, if it were necessary, I could get a bill for 5,000 *l.* and a bill for 2,000 *l.* discounted, and I found I could. I think you will find that those stamps will not carry the amount of inland bills that they would if they were foreign bills.

2133. Are not bills drawn upon Bombay drawn in triplicate?—Generally they are.

2134. Was there any preparation for their being drawn in triplicate?—There was. Mr. David Coffey I recollect perfectly well talking to the man at the place where he bought the stamps about the triplicate sets, and at last made up his mind that he would take them singly. I was not to be present at the settling of

I. Butt, Esq., M.P.

1 March 1858.

the bills with the Ameer. Mr. Edward Coffey was to bring them back to me that day; there was an excuse for not sending them.

2135. Those were to be sent to the Continent?—They were afterwards; of that I know nothing.

2136. Nothing?—Nothing at all. I heard they were so; indeed, I do not think I even heard that they were sent; my impression is, that I thought that Mr. Edward Coffey had taken them with him.

2137. That is a 10*s.* stamp?—Yes.

2138. A 10*s.* stamp for that sum, is an inland bill of exchange?—Yes, it is; I really do not know how that is; I know Mr. David Coffey got the stamps.

2139. How is it that an inland bill of exchange was to be sent in triplicate to Bombay?—I never said it was to be sent in triplicate; I know I troubled my head very little about it. I know Mr. David Coffey made inquiries before for drawing a bill on Bombay.

2140. He gave you a 10*s.* stamp for 1,000*l.*?—So it would appear.

2141. Is that correct?—I had nothing to do with this. I am very much disposed to think a bill drawn on Bombay is stamped as an inland bill of exchange; I believe it is; I think it is; and I think the man told me so, that a foreign bill-stamp would not do; I did not regard that as my business. I think if you look at the Act of Parliament you will find that a bill drawn in England on abroad, must be drawn as an inland bill. As a positive fact, the bills were to be drawn on Bombay and nowhere else, and I made inquiries whether I could get them discounted; one of them I knew I would want, and the second one I thought I might want.

2142. Is the ordinary form for any bill drawn on India in pounds or rupees?—I should say in rupees, certainly.

2143. Is that a bill stamp for pounds?—Yes, but rupees to the same amount. I learned something of that when I did negotiate the bills in Trieste, where we had to turn rupees into florins and all sorts of things; I should say that the bill would be drawn in rupees.

2144. Has there been any subsequent drawing of bills?—No.

2145. You never got the 8,000*l.*?—No, never; from the moment I went to Trieste and found the Ameer depending on me, I made up my mind that I would not enter into this arrangement unless it was sanctioned by his friends in India; and if he thought proper, to consult with the Commissioner of Scinde; I was very anxious that he should consult Mr. Frere.

2146. You made use of an expression that you did not want to lose the Session. When you wanted a quick answer to the memorial sent to the East India Company, you said that you wished a rapid answer because you did not wish to lose the Session?—I am not sure that I said that; I will not say at all I did not say it; I would like it to be read.

2147. What is the meaning of the words, "not losing the Session?"—It is very hard to give an answer to that without knowing the context in which it is. I was very anxious to get an answer before the Session of Parliament broke off.

2148. Was that the answer which you made to Sir James Hogg and Mr. Vernon Smith?—I have said that in going to Sir James Hogg and Mr. Mangles both, I felt myself at perfect liberty to put to them the position, which was this: if they did not give an answer within the Session, nothing could be done in Parliament. I most studiously avoided saying more than, should it be intended to be brought forward in Parliament. From the moment the mutiny broke out, I invariably told the Ameer, and told every one to whom I spoke of the matter, that I thought it impossible in that Session to discuss it. I said that we should have to encounter the odium of encouraging the sepoys. I thought so then, and I think so still. The popular cry that would have been raised in the House of Commons against it would have been fatal.

Martis, 2° *die Martii*, 1858.

MEMBERS PRESENT.

Mr. Bouverie.
Mr. Bright.
General Codrington.
Sir James Graham.
Mr. Sidney Herbert.
Mr. Serjeant Kinglake.
Colonel Wilson Patten.
Mr. Serjeant Deasy.
Mr. Roebuck.

THE RIGHT HON. SIR J. R. G. GRAHAM, BART., IN THE CHAIR.

Isaac Butt, Esq., a Member of the House, further Examined.

I. Butt, Esq., M.P.

2 March 1858.

2140. *Chairman.*] HAVE you brought Mr. Roebuck's answer?—No, I have not.

2150. Your two letters to Mr. Roebuck are published, and Mr. Roebuck's answer is not; you were so obliging as to state that you would bring it?—I am sorry to say, after the most diligent search, I cannot find it; I can only account for it in this way: I came to the House of Commons on Monday evening prepared to make a statement, expecting a statement would be made on the presentation of the petition; Mr. Roebuck's letter was the only original document I had; I brought it with me to read in the House; what has become of it I cannot tell. I can tell from memory accurately the purport, or any version of it that Mr. Roebuck gives I will admit; but I think I can state the purport of it. I have brought his first letter to me, giving me notice of the petition, which I do not intend to read; it is an immaterial one, and a copy of the petition with his initials in the corner, "J. R."

2151. That is the petition presented to the House?—Yes; I am exceedingly sorry at that letter being lost. It is right towards Mr. Roebuck to say, that this letter began,—I recollect it perfectly,—Mr. Roebuck asked me was there anything in that letter more than I had stated; there was this: he thought it quite right that I should have every opportunity of defending myself; any time that was necessary to defend myself against such a charge; that, with what I stated yesterday, was the whole substance of the letter. This is the first letter, and the copy of the petition.

2152. Have you a wish to state to the Committee any correction of the evidence which you gave yesterday, in case it may produce an impression which you consider erroneous?—It is not a correction of my evidence; my evidence is true and correct; but having given that evidence, which on my own mind produced at one period a certain impression, I think I am bound to say this, that information has come to me since which has perfectly satisfied me that that visitor was in no way, directly or indirectly, connected with Mrs. Parr, and that he came to me as a friend, to give me information as a friend.

2153. Mr. *Roebuck.*] I must refer back to some of the questions I put yesterday. I want you distinctly to state when it was that you definitively concluded with the Ameer to go to India?—I have already stated that, to the best of my recollection and belief, it was after the 24th of July, and a very few days after

2154. Mr. *Sidney Herbert.*] 1857?—Yes.

2155. *Chairman.*] I took a note. "I agreed to go to India on the 24th of July"?—No, not on the 24th; the reason I have given for that is, that private circumstances fix it in my own memory; that I was living in St. James's-place when I gave my assent. I have ascertained when we went to St. James's-place.

2156. Mr. *Roebuck.*] When was it you determined to test the sincerity and capability of the Ameer by asking him for 500 *l.*?—Early in August.

J. Butt, Esq., M.P.

2 March 1858.

2157. Can you not fix it more definitely than that?—Except by the cheque.

2158. Did you receive the cheque immediately upon your demand?—No.

2159. You made the demand some days before?—I think so.

2160. What is the date of the cheque?—The 11th of August I have heard.

2161. And what is the date of the telegraphic account in "The Times" of that action which you talked of?—I have in my hand "The Times" of July the 16th, and the statement here is, "By Electric and International Telegraph, Dublin, Wednesday evening. The great Colclough Will Case. The proceedings in this extraordinary case have been brought to a close in a way satisfactory to both parties. At the close of Mr. Whiteside's speech yesterday, a compromise was entered into, and the following is an outline of the terms:"—I need not read the rest. I know by that that the trial had concluded on the 24th of July.

2162. Did you telegraph over to the solicitor that you would not attend that trial?—I think not; they telegraphed to me.

2163. Did you give no answer to that telegram?—I really cannot say; that was to attend a consultation in Dublin several days before the trial.

2164. Upon your receipt of that cheque, you said that some peculiar circumstances arose which made it a matter of importance to you to get it cashed?—The 11th I think was Tuesday, and on the day after I wanted to pay a sum of money that day.

2165. It was your impression that a banker would not honour your cheque if you sent in that cheque until two days after?—My impression was, that to have had that cheque honoured at the bank I must have gone myself and spoken to one of the partners at the bank, and asked him to do it.

2166. You mistake me; supposing you paid that cheque of Ali Moorad in your favour into your own banker's, do you mean to say that you believed that your own banker would wait two days before he would allow you to draw against that cheque?—What I say is this, that in the ordinary regular course of banking business, I believed, and my recollection is since confirmed, that at a West-end bank the custom is to send their cheques to their agent in the City and pass them through the clearing-house, and then in the advice the next morning from the City agent you get credit for the cheque.

2167. General *Codrington.*] A crossed cheque?—Yes; it would be a different thing paying it into a City bank; you would get credit the same day probably.

2168. Mr. *Roebuck.*] The crossing of the cheque makes no difference; does it?—Except that it must go through the bank.

2169. It does not lengthen the time?—No; I do believe that in the practice of West-end banks, when they have a City agent, they do not deal directly with the City; I understand so.

2170. So that you paying in 300 *l.* by a cheque of Ali Moorad to your banker, would not be credited with that cheque, and they would not allow you to draw against it till the next day?—I have said that without asking one of the principals in the house to allow me to draw against it, I could not have done it. I may tell you why; I lodged not very long before that, not an individual private cheque, but I lodged an order of the Bank of Ireland upon the Bank of England, and I was going to draw against it, when the clerk told me that they would not have credit for that till the next day; that I had better ask the principal. Of course the moment I asked it was done; that was a cheque of the Bank of Ireland upon the Bank of England.

2171. Was that 300 *l.* the only money you got from or on behalf of the Ameer, previous to the 2,000 *l.*?—Certainly.

2172. You received 5 *l.* from Mr. David Coffey as a fee?—Yes.

2173. And then 20 *l.*?—Yes, and then 20 *l.*

2174. Did you never get any money from Mr. Edward Coffey?—Yes.

2175. In what shape was that money given to you?—Mr. Edward Coffey said himself it was purely and entirely a private transaction, and had nothing on earth to do with the Ameer. I have not the least objection to go into it, although it would involve other explanations, with which the Committee have nothing on earth to do Mr. Edward Coffey has said already that it had nothing to do with the Ameer, nor had it; it was one of my indiscretions.

2176. So that any monies that you might have received from Mr. Edward Coffey,

Coffey, excepting those two sums of 300 *l.* and 2,000 *l.*, had nothing whatever to do with the Ameer?—Nothing on earth. He brought an action against me in his own private name.

2177. Mr. *Bright.*] Mr. Edward Coffey brought an action against you?—Yes. It had nothing on earth to do with the Ameer's business. I would rather not go into this subject; it would involve me in stating other matters, which I think this inquiry is better without. Of course I have not the least objection.

2178. Mr. *Roebuck.*] You say that you asked for 500 *l.*, and only got 300 *l.*?—I only got 300 *l.*

2179. Were you satisfied with that when you wanted to test the sincerity of the Ameer?—No, I was not.

2180. What did that lead you to do?—I think it was that which led me to ask to have the agreement put into writing.

2181. Was it put into writing?—No.

2182. Who objected to that?—Mr. Edward Coffey.

2183. How do you know that Mr. Edward Coffey objected; did he object in his own name, or in the name of the Ameer?—What made me ask for that cheque for 500 *l.* was this: perhaps I had better state that, and then you can ask me any questions. The Ameer was originally to have gone out by the boat that would have gone from Trieste on the 27th of July; he was under a promise to Mr. Vernon Smith to go by that boat; he was then under an engagement to me to go by the boat that would go early in August. To do that he must have left early in August; and Mr. Edward Coffey told me that, before he went, every arrangement should be made for me to follow him. I found that he was not going by that boat of the 11th of August, and I did not understand it; and one upon whose judgment I placed great reliance, said to me, "From all I can see, Mr. Edward Coffey, for some reason or other, does not wish you to go to India."

2184. *Chairman.*] Who said that?—It was a friend, upon whose judgment I implicitly relied; that is merely an observation.

2185. Mr. *Roebuck.*] You know that that is no evidence?—It is stating my reasons for what I did. Upon that I went to Mr. Edward Coffey, and I said, "When will this money business be closed?" "Oh," he said, "the Ameer has put off everything to the last." It was then I asked him, and said, "I want that sum of money; will you get me a cheque for 500 *l.*?"

2186. You say it was understood that the Ameer should leave early in August?—Certainly.

2187. When did he have his audience on taking leave?—He had two audiences upon taking leave.

2188. When was the first?—The first was in July.

2189. With whom was that audience?—With Mr. Vernon Smith.

2190. The second?—The second was a day or two before he went; I think the day he went.

2191. When was the first audience of leave?—Some time in July he went to Mr. Vernon Smith; he was accompanied by Ali Akhbar, and upon every interview with the Board of Control, except one, he, himself, invariably brought Ali Akhbar to interpret. At that interview there were present, myself, Ali Akhbar, Mr. Vernon Smith, and Sir George Clerk. Mr. Vernon Smith told him, that he had advised him to go to India, and the Ameer said that he would go at once; but he said, "Am I to understand that I will get back my lands?" Mr. Vernon Smith's answer was, "I cannot give you a promise in my position; but are you not satisfied to take my advice, and to take the advice of your friend, Mr. Butt, and go out to India?" And I will not undertake to say whether it was a remark from himself, or Mr. Vernon Smith, that said, whatever is right you will find in India; when you go you will find yourself received as a friend, and in the favour of the British Government. The Ameer still hesitated; and at last Sir George Clerk used the expression, in Persian, as it was interpreted afterwards by them, both by the Ameer and Ali Akhbar, "Do you think we are base enough to send you out unless we intended to give you your lands?" Upon that the Ameer returned with me. I know that it was in July, because this interview unquestionably took place at the Waterloo Hotel, which I left on the 24th of July.

J. Butt, Esq., M.P.

2 March 1858.

2192. An interview with whom?—With the Ameer; I drove back with him in his carriage to the Waterloo Hotel, and I said, "Now you have heard for yourself that assurance, you need not rely on me any more. Are you willing to go upon it? You must judge for yourself." And I then told him this, "I may say that the slightest word of a British Minister is as inviolable as an oath." He said he was perfectly satisfied to go, and would go upon that; and he did go by the next boat.

2193. Did the Ameer never tell you that he wanted something more than a verbal statement, and that he wanted some despatch?—Repeatedly.

2194. Did you not promise that he should have a despatch?—No.

2195. Did you never tell your friends that?—I told the Ameer that the despatch would be sent to India, as he himself had heard from Sir George Clerk and Mr. Vernon Smith. I distinctly told him that it would be certainly impossible for him to obtain a copy of that despatch, or to know anything about it except that assurance.

2196. Is that what you told your friends; the Messrs. Coffey, for example?—I cannot recollect.

2197. Did you tell Mr. James Coffey?—I cannot recollect what I have said in the course of a year; but if I have said anything else, it would be untrue; therefore I say, with very great confidence, I never did say anything else.

2198. Did you never give them to understand that a despatch would be sent out which should meet the Ameer in India, and put him in the position which he desired to be in?—Unquestionably I did.

2199. And did you not promise then that the Ameer should see a copy of that despatch?—Never, for I could not get it.

2200. If anybody should say that the Ameer expected to see it before he left England, they would be saying that which is untrue?—I cannot say; I do not know what the Ameer expected. I believe the Ameer expected a great many things that I never authorised to be told to him; I know he did. I never said anything to any one which would justify such an expectation, if my words were correctly translated to the Ameer. I distinctly told him that it was utterly impossible for him to see that despatch.

2201. Or a copy of it?—Or a copy of it.

2202. To what do you attribute the delay which took place on the part of the Ameer in leaving this country?—I was exceedingly puzzled; I began then to entertain suspicions that Mr. Coffey had not correctly translated between him and me.

2203. And in consequence of that mistranslation you thought the Ameer delayed?—No, I do not know; the matter appeared to me so utterly inexplicable that I did not understand it; I certainly believed at one time (perhaps this is the object of your question) that he was waiting to get a reply from the Court of Directors, which I advised him was exceedingly foolish.

2204. Did he get a reply before he went?—He did.

2205. When he got the reply he went?—If you mean by that it was in consequence of getting a reply, he had everything arranged.

2206. When he got the reply he went?—After he got the reply he went.

2207. How soon after?—Two days; but before that reply came he had sent his servants by Southampton, and had at my earnest entreaty determined to go out on the 21st of August by the boat, whether he got the reply or not; I had even arranged how, if the reply came in his absence, it was to be sent.

2208. He left on the 22d of August?—He did.

2209. On the 21st was it that he gave you that 2,000 *l.* cheque?—Upon the morning he went.

2210. Were you prepared to permit him to go without previously paying you something, under the expectation that you would follow him?—No.

2211. Therefore so long as you were not paid, you had no reason to believe that he would go?—I had every reason to believe that he would.

2212. I want to know how you can reconcile those two answers?—In this way. Early in the week I had a very earnest conversation with Mr. Coffey, and I said to him "Do not leave the business to be settled at the very last; let us have it arranged now; do not leave it to be done in a hurry when he is going away." "Well," he said, "these Asiatics are very fond of putting off things to the

the last, but it will be done." I remember distinctly the day he went to Southampton, he went with the Ameer's servants; he was under a promise to have met me and to have brought the Ameer, and to have concluded the whole matter, by the payment of 3,000 *l.*, and by settling the bills.

2213. You say by the payment of 3,000 *l.*?—Yes.

2214. You stated yesterday that you were to receive the sum of 5,000 *l.* here?—No, not at that time.

2215. Then was a subsequent arrangement made that you were to receive 5,000 *l.*?—The first offer, I think was, that it was all to be paid in cash here; then Mr. Coffey said, "Probably the Ameer will only give you half here and half in Bombay." When we came to deal with it more seriously as a matter of business, he said that I would not get more than 3,000 *l.*

2216. Did not you say yesterday that your first recollection was, that the arrangement was for 3,000 *l.* down and 7,000 *l.* afterwards?—Yes.

2217. But you have subsequently learned from something a friend has brought to your recollection, that the arrangement was, that you were to receive 5,000 *l.*?—Yes.

2218. How came that difference to arise?—When the offer of 5,000 *l.* in money and 5,000 *l.* in bills was made it was before I had gone on to Dublin in June, and I then did not particularly attend to it, because before I had gone I intended, of course, to have it more definitely arranged.

2219. *Chairman.*] In June 1857?—Yes; and why I now know that that was the offer is this: Mr. Otway has come over here owing to the death of one of his relatives here. I have not myself seen him; but I have seen his written statement of what he remembers me to have told him. It was to this effect: I told him I was to receive 5,000 *l.* in cash and 5,000 *l.* more on landing in Bombay. He said nothing about bills; therefore that is brought now to my recollection. I now know at what time the proposal took that shape, but that was not the proposal to which I acceded, or which it was necessary to reduce to very precise terms.

2220. Mr. *Roebuck.*] So that the ultimate arrangement was that you were to receive 3,000 *l.* cash and 7,000 *l.* in bills?—Yes.

2221. An equal division of the sum was the first arrangement?—There was no arrangement; there never was an arrangement; that was a proposal. As I repeat, I think the first proposal was, that I should be paid the 10,000 *l.* before I left this, but by whom proposed I do not recollect. I think it was at that proposal I said, "This is nonsense; I cannot go; put it out of your head." That after assumed the form of 5,000 *l.* here and 5,000 *l.* in Bombay. Finally, upon my asking for its being reduced to a positive understanding, it assumed the form of 3,000 *l.* and 7,000 *l.*

2222. Where were those bills for 8,000 *l.* to be made payable?—In Bombay.

2223. Did you give instructions to Mr. David Coffey?—I gave no instructions to Mr. David Coffey at all.

2224. Did you ever tell him that they were to be paid in Bombay?—I think he knew it; I cannot say that he did.

2225. The arrangement that they should be paid in Bombay, you say, was made with Mr. Edward Coffey?—Yes; but it was to get those bills drawn on the Ameer's agents in Bombay here in my favour.

2226. They were not to be made payable at the Mercantile Bank of India in Broad-street?—At one time Mr. Edward Coffey spoke of getting those bills accepted by the Mercantile Bank of India; but that was abandoned.

2227. At what time was that?—I really cannot say; if the Committee wish, I can tell them why I did not press for that. I made inquiries whether the Ameer's bills upon his bank in Bombay would be discounted for me. I found they would, and therefore it was a matter of indifference whether they were accepted by the Mercantile Bank or not except as a question of security.

2228. When the Ameer left England, you thought that Mr. Edward Coffey was to go with him to Bombay?—I did.

2229. Between his leaving England and his arrival at Trieste, you had come to the determination that he should not go with the Ameer?—Certainly not.

2230. *Chairman.*] Certainly you had not come to that determination?—No; I had not come to such a determination.

2231. Mr. *Roebuck.*] When did you arrive at such a determination?—On my arrival at Trieste, or rather after my interviews at Trieste.

I. Butt, Esq., M.P.

2 March 1858.

2232. After your interviews with Mr. Coffey, at Trieste, you had come to that conclusion?—Yes; certainly.

2233. Before you got to Trieste, did not you hear of that celebrated telegram? —Yes.

2234. Did you expect that Mr. Edward Coffey could answer that telegram? —I did not.

2235. And yet you had not come to the conclusion that he should not go with the Ameer?—I made up my mind that I would not condemn him until he had had an opportunity of offering some explanations. I thought there were two explanations, and I anxiously hoped that he would be able to give either of them. One was, that this was a mere casual conversation, which the embassy heard of, and thought it their duty to transmit; the other was that he had done it designedly to frighten the Board of Control. Of course, that would have been an excessively foolish thing; but really it appeared to me so incredible, that I was seeking for an explanation. I think I wrote to the Board of Control to state that Mr. Coffey must not be condemned until I had an opportunity of inquiring.

2236. Was not there supplied at the interviews another alternative, that there might be some mistake?—I cannot say whether I thought that or not; I determined first to go to the embassy at Vienna and sift the circumstances; I rather think I hoped there might be some mistake.

2237. When you went to the embassy at Vienna at that time, did you see Sir Hamilton Seymour?—I did.

2238. Did you gather from him that he had ever seen Mr. Coffey?—Certainly.

2239. What did you gather from him?—That he had never seen him.

2240. Therefore what Sir Hamilton Seymour might tell you was the result of hearsay?—It was, certainly, the statement of others.

2241. You took with you to Trieste Captain Langly?—Yes.

2242. As your interpreter?—Yes.

2243. And that gentleman has since gone out to the Ameer?—Yes.

2244. And your own relative Mr. Irwin?—My own connexion; and as to Mr. Irwin, the Ameer positively refused to go on unless either Mr. Irwin or I went with him, and Mr. Irwin would not take the responsibility of going with him on the journey unless there was some one who knew his language, and could communicate with him, and it was in consequence of that that Captain Langly went; the Ameer, I think, would have been just as well pleased to have gone out without Captain Langly.

2245. I think you spoke of Mr. Irwin to the Ameer as a young gentleman who was to be under the Ameer's protection?—Well, yes.

2246. Was not Mr. Irwin 40 years of age?—No, he is not.

2247. What is his age?—I do not know; I suppose he is four or five and thirty.

2248. This was the person you introduced to the Ameer as a young man?— Not at all. Mr. Irwin very naturally said to me, "I do not think I ought to go to India without some agreement;" he is an unmarried man; he has no profession; he very naturally said to me, "I do not like going without some stipulation." I said to him, "I cannot make any stipulation for you; you are my friend; but I will speak to the Ameer." I did, and I said, "Now, this gentleman," I think I said "this young gentleman;" I really will not undertake to say, "has come up from his father and mother; they are expecting him," which was the fact. "If you take him off to India what am I to tell them; may I tell them that you will not see him want anything?" He said,— "Tell them I will not. I will be a father and mother to him."

2249. That language you used about a gentleman 35 years of age?—I will not undertake to say that I called him a young man; I think I did; people's views of youth change very much as they advance in life.

2250. Was any arrangement made with the Ameer while at Trieste, about your going out to India afterwards?—No.

2251. Was anything said about it?—A great deal was said about my going.

2252. Does the Ameer expect that you will go out now?—I cannot say; I know that the Ameer considers that he has the power of calling on me to go if it is necessary; probably the next mail will bring me his final decision.

2253. Being in that state of doubt, you still received the 2,300 *l.* upon the understanding

understanding that you might be called upon to go?—No; I received the 2,300 *l.* upon the positive undertaking that I would go.

2254. You did not go?—I did not go, because the remaining part of the undertaking, namely, giving me the bills for the residue of the 10,000 *l.*, was to have been fulfilled that day and was not; then it was to have been fulfilled on the Continent. Of course if it is not fulfilled now I will not go.

2255. Is it to be supposed that the 2,300 *l.* is to be forfeited?—Certainly not; I am not going, at least, to raise that question. Perhaps, between man and man, I might say I had some claim to that; I might leave it to a person to decide. I never dreamed of doing such a thing, and never will. If I do not go to India, I intend to return that money, and I have told the Ameer so distinctly; that if it is not his interest to take me to India, that money shall be returned to him.

2256. Those are two statements; if you do not go to India you will return the money?—Yes.

2257. And if it is not his interest?—Because I left him to judge whether it is for his interest or not; I had been depending, in my negotiation with him, first, upon Mr. Coffey's correct representation of what I said; and secondly, upon Mr. Coffey, in some degree, being his counsellor; and having discovered what I had of Mr. Coffey, I felt that nothing should induce me to accept any pecuniary benefit for myself from a transaction so tainted, and therefore I told the Ameer that the arrangement must stand over until he went to India, until he consulted his friends, and until he consulted his son; and if he found himself on such friendly relations as to entitle him to do it, to consult Mr. Frere, the Commissioner of Scinde, and that he should write to me whether I was to go. I also told him, "Remember, I cannot leave home until you remit me the balance of the money."

2258. Will you be good enough to tell the Committee what you mean by "a transaction so tainted"?—I think any negociation made by an agent in whom I have discovered that no confidence is to be placed, who is capable of acting to the Ameer as Mr. Coffey acted, was a tainted transaction by the channel through which it came of necessity; I mean simply tainted in this way, that Mr. Coffey was my interpreter, and the medium of my communication. Every gentleman on the Committee will feel that I could not rely on it, and ought not.

2259. Was there any communication with the Ameer about his drawing the bills while you were at Trieste?—There was.

2260. What was it?—The Ameer offered to draw cheques on Bombay for me at once, if I would go with him.

2261. Mr. *Bouverie.*] For the balance?—Yes; and he also offered to give me, I do not remember at this moment, by something that I understood was an irrevocable act, a jaghire that would be worth 1,000 *l.* a year, if I would go with him by the next packet; I refused. Then my final communication was, as I have said, that I was to be remitted the 8,000 *l.* I cannot say whether it was to be in bills or money it was to sent; I do not think we spoke of that.

2262. Mr. *Roebuck.*] So that the subsequent proposal on the part of the Ameer was to give you bills or cheques, you say, upon Bombay for the remaining 8,000 *l.*, and a jaghire of 1,000 *l.* a year. That was the last offer that he made to you, and you refused it?—No; that was the offer he made to me when he was in great distress and agitation of mind in Trieste. I think he went beyond these offers, because really I paid very little attention to them, having before made up my mind that I would not go.

2263. When you were at Trieste, you perfectly made up your mind not to go?—Not to go then.

2264. But you had made up your mind to go when he left England?—It was perfectly in my mind the day that he gave me that 2,000 *l.* I had no more doubt that I would be in India in November than I had of any event I was looking forward to.

2265. What were the circumstances that made you so change your mind upon this superior offer which he made to you?—When I was with him at Trieste, the Ameer was completely in my power; he looked upon me then, as I think his letters will show, as saving him from prison; he looked upon me as a person who had influence with the English Government; and unquestionably, I think, I would have acted a very dishonourable part, if I had allowed him to

I. Butt, Esq., M.P.

2 March 1858.

do anything in the world in the way of benefit to myself, under those circumstances. I may also state this, that when I, through Captain Langly, distinctly stated to him that the agreement was for 10,000 *l.*, I fancied I saw an expression of surprise upon his countenance, and I have ever since that had my suspicion that the terms of that agreement were not truly stated to him by Mr. Coffey.

2266. Mr. *Bright.*] Do you mean on the countenance of the Ameer?—Of the Ameer.

2267. Mr. *Roebuck.*] When the Ameer himself made you a larger offer than that which had been interpreted to you by Mr. Coffey, did you believe him sincere then?—I did.

2268. When you thought he was sincere in making you that larger offer, did not you think it possible that he might have made you the inferior offer?—I thought it very possible, but I think it very possible not; I can only say I am not perfectly satisfied in my mind that he ever did make me so large an offer as 10,000 *l.*, or rather that he ever authorised Mr. Coffey to make it. That he made an offer I cannot have a shadow of a doubt.

2269. When he made the offer himself, he very much enlarged it?—He offered me a grant of land. I think what he said was, "You are afraid of losing your profession; I will give you as much as that; I will give you a jaghire."

2270. When he made you that larger offer (I again revert to my former question), did not that create in your mind the impression that he might have made the inferior offer?—I know he might have done it.

2271. It was very likely he did?—It was very likely he did.

2272. Why did you throw in a suspicion?—Because I entertained it; because you have forced me; I would rather not have said it, because I have no doubt the Ameer will see it; he will read every word in this blue book, or have it translated to him.

2273. Did you ever tell Mr. James Coffey that you had received 300 *l.*?—I cannot say.

2274. Did you ever tell Mr. David Coffey?—Mr. David Coffey knew of it.

2275. Mr. David Coffey knowing of it, nevertheless marked upon the bills that they were to be for 8,000 *l.*?—It appears he did. Mr. Edward Coffey came to me, I think, the day he went off to Southampton, and he said to me, "I will bring you this evening the cheque for 3,000 *l.*" I said it should be only for 2,700 *l.* He said, and probably the Committee heard him make the same suggestion, the Ameer, you remember, has agreed to pay the commission; and he said, "I had better bring you a cheque for 3,000 *l.*" I think it was a mistake endorsing those bills.

2276. What do you mean by that, "the Committee heard the suggestion"?—I heard him make the suggestion to you that the Ameer was to pay the commission, and you asked me the question. I may say that Mr. Roebuck put to me the question yesterday, "Was not it understood that the Ameer was to pay the commission?" I said, "Yes."

2277. Mr. *Bright.*] I thought you said that it was a mistake endorsing those bills?—I think it was. As well as I recollect, the object was, fixing at what dates the bills were to be drawn, not to fix the sums. I rather think the meaning of my name being upon the bills is this, that Mr. Coffey had some claim of his own upon the Ameer, which was also to be settled by a bill, and that the meaning of my name being upon those bills was to distinguish whatever were given to himself from mine.

2278. Mr. *Roebuck.*] Was there any commission upon the 2,000 *l.* that he paid into your hand; the 1,999 *l.*?—That was the cheque upon the Joint Stock Bank; the whole of that I received in cash. Mr. Coffey said he found that the disturbances in India had made the exchange against India so heavy that the Ameer would have to pay a very large sum for it in the transaction; I did not care; I would never have debated for five minutes whether I was to pay a couple of hundred pounds commission or not for exchanging those bills; it might have come to that. The difference of value in the 10,000 *l.* between here and India might have been that: it was a matter that I treated as very secondary in the transaction; it was Mr. Coffey's suggestion, and not mine.

2279. You said that when you got to Trieste you there met Mr. Coffey; what day was it you got there?—Friday night.

2280. Look

2280. Look at that memorandum, and tell me whose handwriting it is (*handing a paper to the Witness*)?—I believe that to be in the handwriting of Mr. Irwin.

2281. *Chairman.*] Your secretary?—The gentleman acting as my secretary.

2282. Mr. *Roebuck.*] You got to Trieste on Friday night?—Yes.

2283. When did you see Mr. Coffey?—On Saturday morning.

2284. Did not you state yesterday that Mr. Coffey did not give you the memorandum that he had agreed to give until the 28th or the 29th?—Not positively; I know he did not give it on Saturday; I think it is very likely that he gave it on Sunday.

2285. Will you be good enough to tell me what that memorandum is?—A memorandum relating to the interview with the embassy at Vienna.

2286. Is that the memorandum to which you allude when you say that Mr. Coffey did not give it you until the 28th?—I do not know; that is not the memorandum which Mr. Coffey gave me; it may be a copy of it.

2287. By Mr. Irwin?—By Mr. Irwin.

2288. What is the date of it?—The 26th of September.

2289. That is Saturday?—So was the memorandum which Mr. Coffey gave me dated the 26th of September.

2290. Did not you remark upon the misdating?—No.

2291. Am I to take your verbal statement of a written document contradicting that written document; is that your law?—I have not asked you to do that; I cannot be the Honourable Member's adviser what he is to believe, or what he is not to believe in my present position; I can only say positively that the memorandum was not given on Saturday; I rather think it was given on Sunday, and it is very possible that it was written and dated on Saturday evening; I am quite certain it was not given to me sooner than Sunday. Whether it was on Sunday or not I cannot tell; it was dated the 26th though.

2292. General *Codrington.*] It does not mention the day of the week?—The 26th was the Saturday, the 27th was the Sunday; the Alexandria packet sailed on the 27th.

2293. *Chairman.*] Did I misapprehend your statement that the original agreement was, that one half of the 10,000 *l.* should be paid in money, and the other half on your arrival in Bombay?—If you so understood anything that I have said, it never was the agreement in the original proposal; it was not even the original proposal.

2294. Was it assented to by you in the first instance?—No, never in that form.

2295. Was there not a contingency in which the whole should be paid in England, namely, if you obtained from the Board of Control and the Court of Directors, by your negotiation, the full restoration of the turban lands?—Certainly not.

2296. If that has been stated to us, you positively deny it?—Most positively deny it; or that I ever received or got one penny of money, except for the express and direct purpose of going to India. There was a contingency in which, possibly, the whole thing might have fallen through; I am stating this not from anything that passed. If the answer of the Court of Directors had been wholly unfavourable, it would have been perfectly useless for me to go to India, and the whole negotiation would have dropped.

2297. If the whole thing had been entirely favourable, namely, restoring to the Ameer the whole of his claim; in that case were you to receive nothing for what you had done?—Most positively not; there never was an agreement, or a hint of the kind; the 10,000 *l.* was given upon as distinct agreement of my going to India as it would be now if I undertook to go over to Dublin and plead a case in the courts there.

2298. Then any statement to the contrary you positively deny?—Most positively deny it.

2299. Mr. Coffey has made a statement, I think it is at Question No. 710, that you had borrowed a good deal of money from him?—That is not true.

2300. Do you deny that you borrowed money from Mr. Coffey?—No.

2301. You deny that you borrowed a good deal?—I do; there were just three transactions between us.

2302. They were not to a large amount?—No.

2303. Your only qualification of that statement is with regard to the amount;

I. Butt, Esq., M.P.

2 March 1858.

you were a debtor of Mr. Edward Coffey?—Yes; I would rather not go more into that question.

2304. You do not deny that fact?—No, I do not; I never have.

2305. In your negotiation with the Court of Directors and the Board of Control, was secrecy enjoined by you or not, as being the advocate of the Ameer Ali Moorad?—I made it an express stipulation, both with Mr. Mangles and with Mr. Vernon Smith, that nothing which I said or did should ever afterwards be used to the prejudice of Ali Moorad, and I made it a further stipulation that it should not get to the knowledge of the Court of Directors of the East India Company; therefore I did most strictly enjoin secrecy so far.

2306. Mr. Mangles destroyed your letter in conformity with that understanding?—I did not ask him to destroy my letter; what I wrote to him was, as well as I recollect, that he must consider my communication entirely confidential, as, if a discussion ever took place in Parliament, it might prejudice Ali Moorad's case; and I think I said to him that I had not a good enough opinion of his colleagues generally to wish that they should know it, or something to that effect; I am not sure of it; and he, by way of making assurance doubly sure, told me that he had destroyed my letter; I did not ask him to destroy it.

2307. The fact is before us, that all trace of correspondence with you is obliterated at the Board of Control; that none of your letters are extant there on record, and that none of the answers to them are on record; Mr. Mangles, also, destroys your written communications; are those facts consistent with the agreement as to secrecy?—No; my communications with Mr. Vernon Smith were not at all with the Board of Control; that negotiation in which I enjoined secrecy was never with the Board of Control; they were private letters, addressed from one gentleman to another entirely; that was their character; and I should have been very much surprised to have found any one of those letters on record in the Board of Control. But there was another and a different correspondence of mine, and that is my reply, for instance, which I know I sent to that letter enclosing the telegram and letters of mine from Vienna, which were addressed to Sir George Clerk, beginning, "Dear sir," and I think I said, for the information of the Commissioners for the Affairs of India, which I am very much surprised is not forthcoming on record.

2308. But you would not have communicated to Mr. Vernon Smith in this matter, except as President of the Board of Control?—No.

2309. It was in his official capacity, not in his personal capacity, that you corresponded with him?—It was. Still I think if I write to a Minister, even on a public matter, a letter marked "confidential," giving my views upon it, it does not follow at all of necessity that that is to be entered in the archives of his office.

2310. It does not follow, but if the stipulation previously was, that it was to be destroyed, it would be the natural consequence of that your understanding?—There was no stipulation that it should be destroyed. All my letters to Mr. Vernon Smith were marked "confidential." I think my letters to him were letters which he could hardly, with propriety, have kept on the records of a public office.

2311. Was the nature of them so secret that you think they should not remain on the records of a public office?—Not so secret, but they were exactly like one of the letters I was unwilling to produce from Sir Hamilton Seymour. I stated my opinions, and stated my views in the unreserved language of a friendly communication. I would be very sorry that Mr. Vernon Smith or the East India Company should have on record the opinions I had expressed of them in those letters.

2312. But you have said that your acquaintance with Mr. Vernon Smith was not that of a private friend?—Not an intimate friend.

2313. Was not your acquaintance with Mr. Vernon Smith that of negotiator for Ali Moorad?—I cannot certainly boast of a very intimate acquaintance with Mr. Vernon Smith, but he and I had frequent communications in the House of Commons formerly, when he was not in office.

2314. Was your familiarity such, that you would insert in letters to Mr. Vernon Smith terms which nothing but that familiarity would justify, with regard to the policy of the East India Company?—I can give you an instance: I was no acquaintance at all of Sir Hamilton Seymour's when I went to Vienna,

yet

yet Sir Hamilton Seymour wrote to me in terms of unreserved and epistolary correspondence, which I would not feel myself justified in repeating here; and certainly I wrote in the same way to Mr. Vernon Smith, and his conversations with me were in the same style.

2315. For reasons which you have stated to the Committee, I understand you to say, that throughout the Session of 1857 the Parliamentary portion of the case was transferred to Sir FitzRoy Kelly?—Well, that must be received with some qualification; it was in his hands, and left in his hands. It was just with that view that I thought it right to add to the evidence yesterday, that Mr. Coffey, on behalf of the Ameer, told me it was in my power to assume it whenever I pleased, but that was entirely between ourselves, and was communicated to no one else; I never intended to act upon it.

2316. But for the detailed reasons which you gave, at the consultations it was thought not expedient in this new Parliament for you to conduct the Parliamentary portion of the case?—That I should bring it forward; I ought also to say, that I do not think Sir FitzRoy Kelly was the person who was thought of for bringing it forward.

2317. Were not all the notices in the present Parliament with regard to this transaction given by Sir FitzRoy Kelly?—The only notice that I know of being given was, the notice generally to call attention to the case of Ali Moorad, and for the production of papers; that notice was given by Sir FitzRoy Kelly early in the Session, and was kept on the books during the whole Session.

2318. Constantly renewed throughout the Session?—Yes, constantly renewed.

2319. Did not you state that there was a distinct understanding, that, under certain circumstances, Sir FitzRoy Kelly was to make a motion and you were to make a speech, though you were not to be the mover?—With this qualification, that Sir FitzRoy Kelly was not the person to do it. If we had Mr. Elsdaile's bill of costs (which I was very anxious to have produced here; I saw the copy which was given to the Ameer), it would be seen that it contained, which was rather to my surprise, a number of entries of deliberations and consultations with reference to me, and of consultations with Mr. Coffey, with Ali Akhbar, and with Mr. Irwin, with reference to me; and the final result of all this was, I think the entry is this in effect: "Meeting Mr. Butt; bringing him to Sir FitzRoy Kelly," (I am speaking now merely from memory of the bill of costs), "when Mr. Butt stated that he was willing to co-operate with us in every way possible, and that there had been a misunderstanding." There is also an entry to this effect; I am not sure whether the actual offer is mentioned, but I think there is a conversation with Mr. Irwin as to the propriety of offering a general retainer to Mr. Butt, when he stated, that Mr. Butt's feeling was, that he would rather not have a retainer or be professionally concerned, as he would then feel himself more free to advocate the case in Parliament. There were also entries of deliberations with me as to who should bring it forward, and of all that took place. If the Committee think now after my statement that they can look at the bill of costs, they will find that those entries, subject to any inaccuracy in repeating them from memory, are in Mr. Hunt's bill of costs, and it will show the Committee what part I took, and all that took place.

2320. I understand you to say, that notwithstanding this arrangement as to your no longer being the mover in the present Parliament, when the motion was made you were to make a speech; and also I understood you to use the expression in answer to a question, "I had the control of any Parliamentary proceeding." Did I misapprehend you, when I understood you to say "I had the control of any Parliamentary proceeding"?—No, you did not; but you have put to me two questions which refer to two perfectly different matters. The first refers to the interviews which I had with Mr. Hunt at the time when there was some annoyance on both sides, and when they gave their reasons why they did not wish me to make the motion, and said that they wished me to speak, and I distinctly said I would. At that time there was no idea whatever of any application to the Board of Control or any attempt at negotiation. The only request I made was that time should not be wasted, and that it should be brought before Parliament at once. That was the advice I always urged; but then I had no control whatever over the Parliamentary proceedings; not the slightest; and I considered it always as taken out of my hands; and at that time Mr. Irwin pressed me very strongly to speak, and I did say I would speak.

I. Butt, Esq., M.P.

2 March 1858.

I felt annoyed; I felt I had not been quite exactly well treated, and he pressed me to speak, saying even if I had not been well treated, I had no reason to complain: at all events, I should not let that prevent my advocating the Ameer's case in a speech; I told Mr. Hunt I would speak. Then as to your second question, as to my saying I had the control of the Parliamentary proceedings, if I am to rely upon Mr. Coffey's interpretation of the Ameer's words, when the Ameer came to me and asked me to open the negotiation with the Board of Control, I said, "Now, if I do this, do not let me be publicly disavowed, as I think I have been upon a former occasion." It was then that Mr. Coffey said, "The whole case will be put into your hands, if you like." "Well," I said, "no, I cannot take it; all I want is, that nothing shall be done without my knowledge, and I am satisfied." When he was going out of the room, Mr. Coffey came back and said, "You are distinctly to understand now, that the Ameer will do anything that you tell him, and you may do as you like. Further, if the case is brought forward in Parliament, the Ameer is determined that you shall do it." Therefore I considered, whenever I thought proper to assume it (although I never did assume it), that I might acquire the whole control of the Parliamentary proceedings. I am in this difficulty; I am asked as to most confidential communications which may annoy others. What I wish distinctly now to convey is this, that the Parliamentary control of these proceedings was entirely taken out of my hands; and that when I was asked to go to the Board of Control there was a distinct offer made to me to resume that. I understood that I might resume it at any time I pleased, and with the distinct assurance that I had only to go to the Ameer and say, "I must have the Parliamentary control," and that it would be done; but, in point of fact, I never did assume that power, nor do I think it would have been at all prudent for the Ameer that I should; and I gave my reasons for not thinking it prudent.

2321. I am going to put a question which is painful between two gentlemen. You saw Sir James Weir Hogg towards the close of the Session of 1857?—I did.

2322. Now Sir James Weir Hogg has in several answers, 1212, 1216, 1217, 1264, 1282, and 1284, expressly stated that you gave him to understand, that if no concession were made, you would make a motion before the end of the Session of 1857?—I never did; nor did I ever say if no concession were made. I never said it.

2323. Refer to those answers and see how positive they are; then recollecting yourself, state whether you will say positively that you did not tell Sir James Weir Hogg you would make a motion before the end of the Session of 1857, if no concession were made; I call your attention more particularly to the end of the answer to question 1216, "He spoke strongly of his own feeling as to the injustice that had been done towards Meer Ali Moorad, and that, influenced by a strong sense of the injustice which he supposed had been done to him, he would certainly bring the matter before the House of Commons, unless the Court of Directors would in some way mitigate the sentence; or more especially, he suggested that instructions should be given to the Commissioner to consider the matter favourably." At the end of 1212, there is this passage: "I ought to say that Mr. Butt also said, and urged very strongly upon me, 'Well, whatever your opinion is, I hope you will see the necessity of giving a very early consideration to the memorial of Ali Moorad; otherwise we may lose the Session and not have an opportunity of bringing it forward before the House of Commons.'" In that answer the word "we" was used in the answer to 1216; it was expressly said that you declared you would certainly bring the matter before the House of Commons unless the Court of Directors would in some way mitigate the sentence?—I never said so; I must say that I think Sir James Weir Hogg has made, I will not say at all misrepresentations, but that he has entirely misunderstood me. In my very first interview with Mr. Mangles, at the time he wrote the letter of the 22d of May, this occurred: I said, "The only thing I have to ask is (I said also the same thing to Mr. Vernon Smith) that you will make up your minds soon, but do not let me put the Ameer in the position of passing over the Session without the possibility of his bringing his claim before Parliament;" and both Mr. Mangles and Mr. Vernon Smith assured me that whatever was the result that should not be done. Without mentioning names, which

which under present circumstances it would be improper to mention, I may say that the House of Commons was not the only place where it was to be discussed; there was a proposal to bring it before the House of Lords.

2324. Now I had better recal to your recollection these various statements of Sir James Weir Hogg?—Except you think it necessary; I have them perfectly in my mind.

2325. I will put them to you seriatim; Sir James Hogg says, "I do not wish to say that the conversation with Mr. Butt was at all addressed to me in the language of threat, but he did state to me, that he thought the man had been very unjustly used, and that it was his intention" (that is your intention) "to bring the matter before the House of Commons; and suggested that the necessity of that might be avoided by the Directors considering his memorial, and either mitigating the matter, or referring it to the Commissioner at Scinde?—I never said to Sir James Hogg that I intended to bring the case before the House of Commons. I certainly may have said that I thought that it would be a very bad case for the Court of Directors to be before the House of Commons, and that they were great fools if they did not take the retreat that was offered to them by the first memorial.

2326. I will read 1264. "Do you recollect Mr. Butt saying to you at that interview, that other persons had advised the Ameer to bring the matter before Parliament, but that he had taken it upon himself to recommend the course which had been pursued?" That is the question. The answer of Sir James Hogg is this, "I cannot exactly say that I recollect that, but he did state repeatedly that it was his desire to avoid the necessity of raising the question in Parliament, and he stated that he himself was reluctant to raise the question, alleging that perhaps the Court of Directors would also be reluctant to have their acts assailed in Parliament"?—I never said to Sir James Weir Hogg, I am perfectly confident; I am under the most solemn obligation I can be under, and I say that I never said to Sir James Hogg that I would bring the Ameer's case before Parliament, nor is that a fair representation of what I said. What I stated to him was this, I told him that I had been in communication with the Board of Control and with Mr. Mangles. I told him I had pressed upon them the mischief of having such a case discussed in Parliament, and I told him that I thought it would reflect very little credit upon the Court of Directors if it had been. Unless Sir James Hogg were a greater fool than I take him to be, he must have known perfectly well that it was impossible to have raised the question at that time in that Session of Parliament.

2327. I must put seriatim the questions and answers of Sir James Hogg, which bear directly upon your Parliamentary conduct. Question 1282 is; "The first interview was sought by Mr. Butt, and are you sure that Parliament was then sitting?" "Quite certain, because one of the objects of his visit was to press me to get the matter expedited, in order that he might bring the question before Parliament, and that he might not lose the Session?"—Certainly not; I had originally from Mr. Mangles a promise when it was of importance, to have it, early in the month of May, or late in May (I am not sure which), but I had from him a promise that if I went on with the negociations, at all events their opinion should be formed, so that the Session should not be lost. I thought myself perfectly justified in going to Sir James Hogg and to Mr. Mangles both, and pressing upon them the fulfilment of that promise, although at that time I knew perfectly well that the matter could not be brought before Parliament; but I would not have been justified certainly in saying, and I never did say, either to Sir James Hogg or to Mr. Mangles, that either I nor any one else would bring the case before Parliament.

2328. Why could not it be brought before Parliament?—Because, in the first place, the mutiny had broken out in India, and had totally altered our position. Perhaps there is no harm in my mentioning this; it is one of the most painful things in this case that I am obliged to mention people's names. A letter was brought to me from Lord Ellenborough, enclosing a memorandum, which I did give to the Board of Control, stating, that to bring the question before Parliament that Session, while the mutiny was raging, would be highly inexpedient. In that I perfectly concurred; and, secondly, that if it was to be brought before Parliament, it could not have been brought in the month of August, I mean to have a division.

2329. The question of abstaining from bringing the matter before Parliament, as suggested in that communication to which you have just referred, was based

I. Butt, Esq., M.P.

2 March 1858.

upon views of expediency; but the urgency upon the Government, and the Court of Directors, of such danger, would be still greater, and the pressure would be greater?—I never made that in my own name; I only asked that an answer should be given in order to give the friends of Ali Moorad an opportunity for considering whether it should be brought before Parliament or not.

2330. Had you parted at that time with the control of the Parliamentary proceedings. I understood you to say, in answer to a former question, "I had the control of the Parliamentary proceedings;" at what period of the Session of 1857 was it when that ceased?—I only want the Committee to understand the fact: in the early part of the Session of 1857 I had not the control; I understood that the offer of the Ameer to me would be to take the control of the Parliamentary proceedings at any time; I pointed out to him how imprudent that would be, and that he must remain in his present hands; but he said distinctly, whenever I wished I might have the control; therefore, I can say, that when I saw Sir James Hogg I had not assumed the control; I cannot say that I had not the power of assuming it whenever I pleased.

2331. Sir FitzRoy Kelly would have either then proceeded with his motion or not, as you should determine?—I cannot say. I do not think anything would have induced Sir FitzRoy Kelly to have gone on with his motion.

2332. But Sir James Hogg, you say, unintentionally, as you suggest, entirely misrepresents your conversation with reference to the Parliamentary proceedings?—I say so, because rightly or wrongly, I am not only in an inquisition here, but a confessional. I practised what I thought a justifiable piece of diplomacy with Sir James Hogg, knowing perfectly well that the result of any consultation with the Ameer's friends would be, that it would be madness to bring the case before Parliament; but still believing, as a gentleman, and as a man of truth, that I was entitled to put the position to him, "You are not to take advantage of this negotiation, and prevent his friends considering that question," I put that position; but I carefully abstained from saying that it would be brought before Parliament.

2333. Is it the characteristic of diplomacy to say one thing and mean another?—I did not say one thing and mean another. I am not sure that it is not; I am very anxious that the Committee should understand that I did not say one thing and mean another. I simply said this: "You will be acting badly if you designedly waste the Session. The Ameer's friends must have an opportunity of bringing it before Parliament if they please. That is all I ask you, in pursuance of a distinct promise that an answer should be given in time."

2334. Sir James Hogg is asked, "Are we to understand that Mr. Butt gave to you in that conversation the outlines of a compromise that would avert the necessity of his making a motion before the end of the Session?" And the answer is "Yes, generally"?—You see that is put into his mouth; every one of those things is. Sir James Hogg would never have given those answers if he had been left to himself. I say that distinctly and deliberately.

2335. I must go back to Question 1282. What is there that is put into the mouth of Sir James Hogg in this question, "The first interview was sought by Mr. Butt, and are you sure that Parliament was then sitting"? Listen to the answer; what is there suggested in that question which bears at all upon the answer as given by Sir James Hogg. "Quite certain, because one of the objects of his visit was to press me to get the matter expedited, in order that he might bring the question before Parliament, and that he might not lose the Session." How is that answer suggested?—If that be the first question of the examination which refers to it, I beg leave unequivocally to retract what I said just now, and perhaps to offer an apology to the Honourable Member for Sheffield (*the Witness referred to the Evidence*). I see now that in the excitement, which perhaps the Committee will forgive, I made a mistake; whenever, even under any excitement, I do an injustice, I wish at once to retract. I was under the impression that Mr. Roebuck had put those words into Sir James Hogg's mouth; I see now that he did not, and I retract that entirely.

2336. The fault, if anybody's, was mine. The last question which extracted an answer from him was a leading question; 1282 was not; 1282 was a fair question, and the answer is very important?—All that I can say with the most positive distinctness is this: that the object of my going to Sir James Hogg was merely to expedite an answer, and nothing else in the world; and that any conversation that followed beyond that was incidental to the main object of my visit, and that certainly I at that time had not the most remote intention of bringing

bringing the case before Parliament. I do not believe that the slightest intention existed. Lord Ellenborough had expressed his opinion against it, but at the same time, had there been an unfavourable answer, there would have been a deliberation upon it, at which I would have given my strong opinion that it should not be brought before Parliament. I only asked of Mr. Mangles and Sir James Hogg that they should act in the spirit of what had been previously stated, and decide the case in time to give us an opportunity of bringing it before Parliament; and I said that very much in consequence of having heard that there was a very great probability that the directors would even oblige the Board of Control to resort to a mandamus.

2337. Rather than consent to having an alteration of their first intention forced on them by the President of the Board of Control?—Yes.

2338. You stated, that it was understood between you and Mr. Vernon Smith that your conversations were not to be repeated?—Yes.

2339. Did I rightly apprehend that?—You did.

2340. Your communications being official, and your intercourse with Mr. Vernon Smith not familiar, what led to your insisting on that condition?—This, that I stated to him originally when I went to him, that I would never advise Ali Moorad to present to the India Board a memorial claiming less than he had already claimed, or making a different case, unless I had an assurance that it would be received; to obtain that assurance was the object of my visit to Mr. Vernon Smith; and therefore, I said, "This must be all perfectly confidential, and non-official, because unless that assurance is given to me the memorial will never be presented."

2341. Why should not the memorial have been presented, unless that assurance had been given?—For this reason, the Committee have not the memorial, Ali Moorad had presented a memorial to the East India Company, in which he denied the justice of the sentence of the Commission, and prayed for a re-investigation as to the fact of the forgery. He had presented a petition to the Queen, in which he made the same prayer, and both these petitions had been negatived. Then it was suggested that he might get a remission of part of the sentence. It occurred to me, and I am sure I forget from whom the suggestion came, that there was a part of the sentence going far beyond Lord Dalhousie's recommendation, and violating, as I thought, express treaties; that, even if the Report of the Commission were right, and assuming that he had committed the forgery, it ought to be remitted. This is why I asked the Committee to pay attention to the memoir that I prepared. Lord Dalhousie recommended that all the lands which he could be thought to have acquired by favour of the English Government should be taken from him; but he also recommended that both the Turban lands and his own patrimonial estates should be left to him. When he came over here, either the Court of Directors or the Board of Control went far beyond Lord Dalhousie's recommendation, and they took from him the Turban lands, leaving him his own patrimonial estates. I pointed out that, without compromising the dignity of the English Government, it would be possible to fall back upon Lord Dalhousie's recommendation, and that I had the authority of Ali Moorad to say that, if that were done without implying any recognition of his guilt, it should be done. Then came the question, How was that to be managed? and after a great deal of private conversation with Mr. Vernon Smith, I pointed out to him that the treaties had secured to him the Turban lands, and I think so still. I said, "Is it not possible to present a memorial to the India Board claiming those as directly secured to him by treaty, without either admitting or denying the justice of his conviction?" He assented to that. I understood that every communication that passed between him and me took place after interviews with what are called the Chairs, and I then made it a stipulation that anything I said or did in the way of suggesting that compromise, unless we had a reasonable assurance that it should be carried out, should never be mentioned to any one; and it was purely and entirely to protect the interests of Ali Moorad in the event of that not succeeding.

2342. Having enjoined secresy upon Mr. Vernon Smith, did you, being the channel of communication with him, observe strict secresy with regard to Mr. Vernon Smith's written communications to you?—I did.

2343. You never showed any letter of Mr. Vernon Smith?—I showed that one letter which was the most perfectly unimportant, and only one, under the circumstances which I stated.

I. Butt, Esq., M.P.

2 March 1858.

2344. Is that the letter which Mrs. Parr says she saw?—I do not believe she saw it.

2345. Is that the letter which Mrs. Parr said she saw?—That was long after the negotiation was closed. Mr. Vernon Smith authorised me thus far; I asked him directly, "How far am I at liberty to communicate the results of those conversations to those acting for the Ameer?" I named several persons, and his answer to me was, "You may state the general result of what has passed; still you must regard our particular conversations as confidential." I did so, and I have up to this moment.

2346. On the 14th or 15th of September, you went to Mr. Vernon Smith to ask for a cadetship?—I did.

2347. Might I ask whether that cadetship was given or not?—It was not, and I am rather annoyed at it. He said he had a great many applications; if it were possible, he would comply with my request, but he did not give it.

2348. He did not give it?—He did not.

2349. Did I rightly understand you to say that all the private letters of Mr. Vernon Smith to you are now on their way to India?—There really are no letters of Mr. Vernon Smith to me that can be of the least importance now. I had, as well as I can recollect, three letters from Mr. Vernon Smith in the whole; and of those, as I think, two, but certainly one, referred to a suggestion which I had made with regard to the mutiny in India.

2350. Mr. Vernon Smith says that he destroyed all your letters to him; in consequence of the understanding between you, have you destroyed Mr. Vernon Smith's letters, or are they on their way to India?—My belief is that they are on their way to India. Perhaps the Committee will understand the position in which I was placed. I could not take up Mr. Vernon Smith's time very often by long conversations, and therefore I very often took the mode of writing fully to Mr. Vernon Smith, but Mr. Vernon Smith never wrote fully to me. On the contrary, his communications were made verbally. My letters do contain a great deal; his letters to me are nothing.

2351. How is it that Sir Hamilton Seymour's private letter is here, and not on its way to India with all the other private correspondence which has reference to this matter?—I got it at Trieste and brought it home with me.

2352. I thought you said that all your private correspondence was on its way to India?—You quite misunderstood me. When I was leaving Mr. Irwin, who was on very confidential terms with me, when I was leaving this for Dublin at the end of the Session, Mr. Irwin got possession, as I believe, of all the papers that I had lying in London here, and upon going to two or three places, I find that his papers have all been sent to India, and I believe mine are among them; but I will not at all undertake to say that if I had an opportunity of searching through my papers in Dublin, which I never have, I will not find some of those letters, but I will say distinctly, that I have no letter from Mr. Vernon Smith to produce, which could contain anything throwing really light upon this matter. I think there were just three letters; the one that the Committee has heard of; another, I think, went a little more fully into the matter, and another entirely related to a suggestion I made about the mails to India.

2353. Whatever those letters are, they are not immediately available here?—I have not them here; that is all I can say.

2354. Am I to understand you to say that it was the habit of West-end bankers not to give immediate credit for a crossed cheque?—The fact of its being a crossed cheque makes no difference, but if you pay a cheque on the City into a West-end branch, they generally will not, as an ordinary matter of business, give you credit for it that day.

2355. Who were your bankers on the 12th of August 1857; were they West-end bankers?—Herries.

2356. I understand that you paid your money on the 24th of August to Glyn; did you change your banker?—I did; I opened an account with Glyn that day; I should say that I had been on very confidential terms with Glyn's, from their being the bankers of a railway of which I am chairman, and had very often money transactions with them. I some time intended to open an account with them, for reasons which I need not state. Perhaps if I stated those reasons the Committee would understand why I did not wish to ask Herries to give me immediate credit for the cheque. At the same I must say that nothing

nothing could be kinder, more upright, or more honourable than Messrs. Herries always were.

2357. On the 12th of August Messrs. Herries, in point of fact, were your bankers, and on the 24th you opened an account with a Lombard-street bank, Messrs. Glyn's?—Yes. If I had that cheque, and dealing with Messrs. Glyn, I would not have the slightest difficulty in going to them, and saying, "Give me credit for this at once," and it would be done as a matter of course. I think if I had gone to Messrs. Herries it might not have been done at once, because for paying a cheque from the Bank of Ireland upon the Bank of England it was a matter of reference to the principal whether it was to be paid immediately or not.

2358. The offer of 5,000*l.* down, and 5,000*l.* more on landing at Bombay, is stated by you to have been made in June 1857?—Yes.

2359. Do you pointedly and positively deny Mr. Coffey's statement that that identical agreement for 5,000*l.* down was made in July 1856, and not 1857. Mr. Coffey states distinctly that that was the communication made by him to you from the Ameer in June 1856, between the presentation of the petition and the motion for papers?—I have already stated, in the most solemn way, I think, that man can use language, who is not on his oath (I am very sorry I am not), I have in the most solemn way denied it. I now say, So help me God, there was no such offer made to me, directly or indirectly, or anything like it, or a word said that could be tortured into it, in July 1856, or at any time, until the proposal was made to me to give up my profession and my home, perhaps run the risk of losing my seat in Parliament, and go out to India.

2360. You pointedly deny Mr. Coffey's assertion that that offer was made by him to you from the Ameer in 1856, and not as you state at the later period of July 1857?—I most solemnly deny it, and if I may ask the Committee to look at the facts, is it conceivable if I meant to make such a proposal, having his brother there, with whom I could have spoken confidentially, that I would have gone to a total stranger, and made him the medium of such a communication? And next, is not that statement that I was to get 5,000*l.* for going to India false upon the face of it, and an absurdity, when, in July 1856, there was not the slightest notion that it would be necessary for any one to go to India?

2361. Are you equally confident, that if there were no mention of a second sum of 5,000*l.* contemplated being paid in India, there was not a specific promise of 5,000*l.* down in 1856?—Perfectly certain. Nor was money mentioned at all in July 1856.

2362. Mr. Coffey's statement is this: "Mr. Butt told me that he was not a very rich man, and that to do justice to the Ameer's case, to carry on the extensive business that would be connected with it at the Board of Control, at the India House, and in Parliament, he would have to attend a great deal in London, at an enormous expense, and unless the Ameer was prepared to assist him in his expenses, that he could not undertake it or go on with it; he could not devote his time to it; on which I went to the Ameer, and the Ameer said to me, 'Well, tell Mr. Butt from me, that if he carries on this business for me, and secures me the restoration of the lands which I seek, I shall give him 5,000*l.*' I delivered the message to Mr. Butt, and Mr. Butt was satisfied." I again ask you, do you positively deny that?—I say most solemnly that that is not true; and perhaps I may be permitted to say more than this. I know that there is a written statement, which I have asked the Committee to ask for from Mr. Coffey, which was given by him deliberately when he was asked to pin himself to some statement upon which he would rely, (I am not alluding to anything that passed with Mr. Roebuck,) and his statement was, that the original agreement was 5,000*l.* down, and 5,000*l.* if I went to India; I say there is a written statement in existence, given under the most solemn circumstances, in which his attention was called to the variation as to that, and that if that is not protected by privilege it can be produced. I say deliberately, moreover, that when Mr. Coffey found that that statement was incredible he changed it in his evidence here, and that that can be proved, and that he made up his mind to change it. Furthermore, I ask the Committee to look at the petition and to Mr. Roebuck's statement, and I think they will have no difficulty in coming to the conclusion that that written statement by Mr. Coffey is in the hands of Parliamentary agents. I say, moreover,

I. Butt, Esq., M.P.

2 March 1858.

that in consequence of finding that he varied that statement designedly and wilfully, those Parliamentary agents threw up his case.

2363. Mr. *Roebuck*.] Allow me to ask who are those Parliamentary agents?—I do not know.

2364. Because there is no privilege protecting a Parliamentary agent?—I think not; I have asked Mr. Holmes to be brought here, to produce that written statement.

2365. Was Mr. Holmes the Parliamentary agent?—I cannot tell what has led me to believe that he is, but it exactly tallies with the information that I received, and Mrs. Parr has said in her evidence that Mr. Holmes wrote a private note to Mr. Roebuck asking him not to present the petition.

2366. To delay presenting it?—I imagine it was upon something of this kind.

2367. Mr. Holmes never stated that to me?—I did not say that he did; I think that you have been a victim of conspiracy, as well as I.

2368. Mr. Serjeant *Kinglake*.] Can you give me the date of your interview, to the best of your recollection, with Sir James Hogg?—I cannot; I have been trying to recollect, but I cannot think when it was.

2369. Sir James Hogg said that he had but one interview with you at his house, and that he afterwards met you in the street, where he communicated to you the decision of the Board of Directors; can you at all fix the month in which you had that first interview?—It would bring it to my mind if the Committee would let all the papers be got from the India House; they will fix it exactly. The memorial was presented on the 7th of July.

2370. I understand that you had two interviews with Sir James Hogg, one at his house, and the other in the street, when he communicated to you the decision of the Board of Directors?—Yes.

2371. Does that help you at all to be able to say when you had the first interview with Sir James Hogg?—That would make me say that my first interview with Sir James Hogg must have been thrown back some way in July.

2372. You say "some way"; do you mean the beginning?—I was going to say that the memorial of Ali Moorad was presented on the 7th of July.

2373. Was it before that?—No, after that, I believe; in the ordinary course of events, the Court of Directors would consider that one week, and refer it to a committee, and it would be considered the next week.

2374. I am not asking that, but as to the time when you met him, and he gave you the decision of the Board of Directors?—That would help me to the other. The 7th of July was on a Tuesday, and I take it that it was sent in to be ready for the Court on Wednesday; I rather think it was. The Court of Directors would meet next on the 15th. I know that their court day is Wednesday, and I should say the day upon which the decision would have been come to would have been the 15th of July, unless they took (which I rather think they did) the course of referring it to committees in delaying the matter time after time.

2375. Does it lead you at all to be able to fix the time of the first interview?—I should say it must have been early in July.

2376. Can you tell me this, whether it was before or after you had been spoken to about going to India?—After I had been spoken to, certainly.

2377. I wish to put this question to you; had you any money agreement at all before the arrangement for the 10,000 *l.*, either with Mr. Coffey or with any other person?—Not the slightest in the world with any human being.

2378. Directly or indirectly?—Neither directly or indirectly. Until the proposal was made to me to go to India, I never heard that I was to get money for anything I did.

2379. Had you any reason to expect it?—Not the slightest.

2380. When did you first have any intimation that Ali Moorad wished you to go to India?—I think the first intimation that ever I had of his wishing me to go India was early, or at least not very late in April; it was when he gave me an invitation to go as his guest, at which I laughed.

2381. When did you first receive any intimation which led you to suppose that he wished you to go to India with reference to this matter in dispute?—It must have been about the 20th or the 21st of June.

2382. Did you collect that from conversation with Ali Moorad himself, or from any other person?—I think not; I think it was from Mr. Edward Coffey.

2383. Was it in Ali Moorad's presence?—No.

2384. Away

2384. Away from him?—Away from him.

2385. What was the first proposal that was made to you to go to India?—When Mr. Edward Coffey spoke to me about going, and said, "The Ameer will certainly take you to India," my reply was, "Put that nonsense out of his head," which was rather with regard to his having invited me as his guest. He said he would be very happy to see me in India, and promised me great shooting; it was not the slightest as a matter of business. I think I used the expression, "Tell him I cannot afford to go out in this way on a visit to India, I have something to do at home." "Oh, but," says he, "he intends to offer you 10,000 *l.*"

2386. Can you fix the place of that conversation?—I cannot.

2387. Did you treat it as a casual remark, or as one made in earnest?—I treated it as a casual remark then.

2388. When did you first of all treat as a serious matter the mention of 10,000 *l.* as a remuneration?—The next day.

2389. What passed between you then?—The Ameer came himself the next day. Mr. Coffey interpreted, and he said something, and Mr. Coffey said that the Ameer would not go to India, under present circumstances, unless I went with him, and that he was willing to give me 10,000 *l.* That opened the conversation.

2390. Did the Ameer join in that conversation, or was he merely in the room?—Mr. Coffey was supposed to have interpreted to me whatever the Ameer said. This was a proposal from the Ameer himself.

2391. The proposal of the 10,000 *l.*?—Mr. Coffey so stated it.

2392. This, as I understand you, was a translation of the offer of the Ameer?—Certainly.

2393. Is that how you wish it to be understood?—It is.

2394. I am just going to turn your attention to the examination of Mr. Edward Coffey, and I will read to you what he said at Questions 38, 39, and 40: "What was the result of that conversation?—After a good deal of negotiation with the Board of Control and the India House, it was first proposed that the despatch to be forwarded out———. By whom was it first proposed?—By us. By Ali Moorad?—Yes; and we hoped that the despatch about to be forwarded to India would give the immediate restoration to his lands; that the Government of India would be ordered by the Government here to restore those lands. After several other meetings, the Board of Control and the Court of Directors would not agree to this. After that, other negotiations were commenced, and it was finally stated to myself and the Ameer, by Mr. Butt, that a despatch would be sent out, directing the Government there to take the Ameer's case into its hands, and to act on it"?—That is substantially true.

2395. Pray attend to this, "On which Mr. Butt informed me that it would be necessary for him to go out there to complete the transaction begun here; he could not give up his professional services, duties, and everything else; he would require the 5,000 *l.* to be doubled." Do you recollect any conversation of that kind?—I perfectly recollect a conversation.

2396. This part of it, that "he would require the 5,000 *l.* to be doubled"?—Of course not; nor is it true that the first mention of that came from me; Mr. Coffey distinctly said to me then———

2397. You see that his answer would lead to the inference that there was an existing agreement for 5,000 *l.*, and then upon the mention of the despatch, if you were to go to India, that 5,000 *l.* was to be doubled?—My answer is that that is untrue: I do not like to use stronger language, when I am a witness and the party accused.

2398. You say it is untrue; has it any foundation?—This foundation; Mr. Coffey came to me and we had this conversation, which I suppose he makes use of; he said that the Ameer would give me 10,000 *l.* for going out.

2399. It is that the 5,000 *l.* should be doubled I am asking you about?—There is not a syllable of that; I say again to the Committee, in justice to me, call for that written statement which Mr. Coffey has left with his Parliamentary agent, and it will give the lie to Mr. Coffey. The statement was that that agreement was to go to India in 1856.

2400. Another question was put to Mr. Coffey, No. 54, with regard to the 300 *l.* cheque: "Was Mr. Butt present during all the time that this conversation was going on between the Ameer and you?—Yes, he was walking about the room; the Ameer and I were talking in Hindostanee. He opened it, and said,

I. Butt, Esq., M.P.

2 March 1858.

said, 'This cheque is for 300 *l.*; I asked you for 500 *l.*' I said, 'It is impossible: the Ameer will not give more;' and he made an extraordinary statement to me. He said, 'I think it is most extraordinary, getting 300 *l.*; that is the exact sum I wanted. But it is crossed, and my name is in it.' I said, 'Yes.' 'Well,' he said, 'go back, and make him write another cheque, for I would not, for a thousand pounds, pay that cheque into my bank'"?—I never said such a thing; I have already denied it most positively.

2401. I do not know that your attention has been called to that?—I positively and solemnly deny it. The cheque was lying in that desk until three o'clock the next day, when I found I wanted it. If I recollect, Mr. Irwin was very nearly late at the bank to get it for me.

2402. I call your attention to Question 1537 of Mr. Vernon Smith's evidence. The question put to him was this, "Was there any suggestion made to you by Mr. Butt, or anybody on behalf of Ali Moorad, that there should be a despatch sent to the Government of India respecting Ali Moorad's claim?" His answer is "Yes, perfectly." The next question is, "And was any promise made to Mr. Butt that such a despatch should be sent to India?" His answer is, "Not the despatch that Mr. Butt wished, for a large cession of lands. I should say that the question I understood to be decided long before I came into office. It was what is called in the department an old case when I came there, and it was not in the first year of my tenure of office that my attention was at all directed to it, it was afterwards; and then the view I took of it was this, that Ali Moorad had certainly committed the crime which was charged to him, of forgery in a treaty, but at the same time I thought that the punishment that had been fixed upon him by the Indian Government was excessive; he having behaved well for seven or eight years, it was high time that something should be done in the way of mitigation of punishment. That was the notion I entertained of the case, which I all along endeavoured to enforce upon the Court of Directors, and at last, to a certain extent, I succeeded in so doing." I want to know whether you received any intimation of that kind from Mr. Vernon Smith?—Yes, certainly.

2403. When did you receive an intimation of that kind from him, that he thought some mitigation of the punishment ought to take place; and that it should be enforced on the Directors?—I think very soon after our first interview.

2404. When was that?—It must have been early in May.

2405. Did you know at any time that Mr. Vernon Smith had written a letter to Lord Elphinstone?—I did.

2406. When was that communicated to you?—After Ali Moorad had gone; it was one of the things that Ali Moorad entreated of me on going away to have a letter written to Lord Elphinstone; I understood merely to receive him with the honour due to his rank, about which he was rather jealous; and Mr. Vernon Smith promised that he would write by the same mail that the Ameer went by, to Lord Elphinstone.

2407. Did you understand what the purport of that letter was?—The letter that I thought was written to Lord Elphinstone was merely a private letter, requesting that he should be received with the honour due to his rank. But what I expected and believed would be sent was a despatch in the ordinary way from the Court of Directors to the Government of India to entertain his case. Perhaps the Committee will allow me to explain with regard to one statement that has been made. After Ali Moorad had gone, when I thought he was on his way to India, Captain Langly told, I think, me, at all events he told Mr. Irwin, that he had the means of knowing what was going on at the India House, and it was generally believed there that a despatch had been written exactly in accordance with what I expected, desiring the turban lands to be restored and the forts to be paid for. I intimated that I did not believe it, but Captain Langly positively persevered in saying that he had very good authority for believing it, and when we were in Trieste he got a letter from some of his own family, in which it was stated that a gentleman had come to his house and had made this statement, that he had heard at the India House, in consequence of some information given against the Ameer, that the despatch which would have given him back the turban lands had not been sent. I am not able to say whether that is true or not; I certainly think

it

it is somewhat extraordinary that some public despatch has not gone to India, saying how the Ameer is to be dealt with.

2408. Will you refer to Question 1594: "Was any such mitigation contemplated by you, and recorded by you, as your opinion, before your interviews with Mr. Butt?" Mr. Vernon Smith says: "I have stated before that I never went the length which Mr. Butt did; I meant to leave it to the local Government in India to reconsider the sentence; that was my feeling?" Did Mr. Vernon Smith ever communicate to you the fact, that he intended to leave it to the local Government in India?—Certainly. My understanding (I may be wrong, except that I was attending to one thing and he was attending to a great many) my understanding was, supposing Mr. Vernon Smith had been the sole Minister of India, he would not have referred it to the local Government, but have sent out a despatch taking the views that I suggested; and that he had pressed that view upon those who represented the East India Company in the first instance.

2409. I am not asking your understanding, but the fact, whether Mr. Vernon Smith ever communicated to you, that it was his intention to refer this matter to the Bombay Government?—Certainly.

2410. Can you tell me when he communicated that?—That is exactly what I was going to say. I do not think the communication was made up to the middle of June, because his first feeling and wish was, as I understood it to have been, to have acceded entirely to the memorial directly here, and it was a concession to the prejudice of the Court of Directors, and to ensure their acting of their own accord, and not under the compulsion of the Board of Control, that he yielded to sending it to India. If you will be good enough to see how my recollection is borne out by Mr. Mangles' letter, in which he refuses the first offer I made, in which manifestly I had given some intimation of the opinion of Mr. Vernon Smith, assigning as his reason that the Ameer had come to England without the consent of the Court of Directors, but that if he went out to India it would be a different thing.

2411. Had Mr. Vernon Smith communicated his view to you to refer this matter to the Bombay Government, before you entered into the arrangement for the 10,000*l.*?—It was in consequence of that communication that was made that the Ameer was most reluctant to go to India without me; if it had been settled here, the proposal of my going to India would have course never have been entertained; it was the reference to the Bombay Government that made the Ameer wish me to go.

2412. Did you communicate that to the Ameer?—Yes; unquestionably, I was authorised to do so.

2413. *Chairman.*] You have negatived all reference to Parliament in your conversations with Sir James Weir Hogg. I wish to recal to your recollection a particular conversation with Mr. Mangles; I will ask you generally, did you state to Mr. Mangles that if the Court of Directors did not make the concessions which you demanded on the part of Ali Moorad, it would be your duty to bring the matter before Parliament?—Unquestionably not; not in any conversation.

2414. What was the object of your communication with Mr. Mangles?—The object of my communication with Mr. Mangles was to get a speedy answer.

2415. And you did not desire to apply any pressure to obtain a speedy answer?—Certainly not.

2416. Look at No. 1306. The question put is this: "Did Mr. Butt state any course that he should pursue upon that matter?" The answer is, "Well, I understood Mr. Butt, that if the Court of Directors did not make the concessions which he demanded on the part of Ali Moorad, it would be his duty to bring the matter before Parliament. That was the object, as I understood, of his communication to me." Now, apart from the object, is it the fact, as stated by Mr. Mangles, that you stated, in that conversation, that if the Court of Directors did not make the concessions which you demanded on the part of Ali Moorad, it would be your duty to bring the matter before Parliament. Do you pointedly deny that?—No, I do not. I had two conversations with Mr. Mangles that were perfectly distinct. I had the first communication, which his note fixes in the month of May. I believe I was perfectly in a position to say that I might bring it before Parliament, if I liked, upon what had been told me by the Ameer. I do not think I used the

J. Butt, Esq., M.P.

2 March 1858.

expression that I would bring it before Parliament; certainly not in that first conversation with Mr. Mangles, unless the case was arranged. I had been speaking to Mr. Vernon Smith, and he appeared to think that it might be arranged, and he had requested me to speak to him. Therefore I said to him, I would send a letter that would explain the course that I suggested. The next day he told me, "Very well." In the first conversation that may have substantially occurred; but I am quite sure that I never said I would be the person to bring it before Parliament. I am quite sure that the outside I went was that it would be brought by some person or other before Parliament.

2417. Did you on any occasion suggest to Mr. Mangles that it was your intention to bring the matter before Parliament in the course of that Session?—I am almost certain.

2418. Upon any occasion?—I am almost certain that I never distinctly intimated that I would bring it before Parliament. I am perfectly certain that I intimated to Mr. Mangles, in the month of May, that it was intended to bring it before Parliament.

2419. Had you the control of the Parliamentary proceedings at that time?—Just so far as I say I had the power of assuming the control.

2420. At that time, when you admit that you did tell Mr. Mangles that it might be brought before Parliament, you had the control of the Parliamentary proceedings?—I knew that it was intended to bring it before Parliament; I knew also that Ali Moorad had pledged himself to me, that if necessary, I might assume the control.

2421. Did diplomacy enter into your conversation with Mr. Mangles?—No.

2422. It was confined to the conversation with Sir James Weir Hogg about Parliament; no diplomatic art was used with Mr. Mangles?—I do not think I had any conversation with Sir James Weir Hogg about Parliament, except this; what I said to Sir James Weir Hogg was this: I said, "It will not be fair of you to run out the Session, and not leave to the Ameer's friends the opportunity of bringing it before Parliament if they please." I did not go beyond that. I am not sure that I went so far. This first conversation with Mr. Mangles was in consequence of an intimation from Mr. Vernon Smith that he wished me to speak to him.

2423. Mr. Mangles says, in answer to Question 1322, "I have stated already the substance of the conversation. It was to urge upon the Court of Directors the injustice which Mr. Butt thought had been done to Ali Moorad, and that we should remit a part of the sentence, and if we did not, there was a threat (I do not use the word 'threat' in an improper sense); but there was a notification given that if we did not, the matter would be brought before Parliament"?—Applying that entirely to our first interview.

2424–5. This relates to a period before the letter was written?—Substantially that is correct.

2426. What is the variation when you say, "Substantially it is correct?"—I do not think it was so formal as that would represent. I think it was rather a reference to Mr. Vernon Smith.

2427. How a reference to Mr. Vernon Smith?—I think the conversation between Mr. Mangles and me was this; it was very hurried: I said "Mr. Vernon Smith wished me to see you about the case of Ali Moorad; it is a case that will be brought before Parliament; he thinks it would be much better that you should come to a settlement of it. I think I see my way to it." You probably will guess what the conversation was, but I think it all took place between the door of the House of Commons and the lobby, behind the Speaker's chair, walking up the side.

2428. What was the date of the payment of the 1,999 *l.*?—The day the Ameer went.

2429. What was that day?—The 22d of August.

2430. What was the date of the despatch ultimately sent to Ali Moorad?—The 20th.

2431. The 19th, I think?—I do not know.

2432. But the payment to you of the 1,999 *l.* was made by Ali Moorad after the receipt of that letter?—It was.

2433. The payment to you was made on the 22d, within 48 hours of the receipt of that letter?—Yes.

2434. Mr. *Bright.*] Is it the fact, that in all the proceedings, the application to

to Parliament was contemplated as the last resource, in case the memorials to the Queen, the Board of Control, and the Court of Directors should fail?—Yes, I think so.

2435. After having unsuccessfully made applications in Cannon-row and Leadenhall-street, is there any other tribunal whatever than the Houses of Parliament, before which such a case as this could be brought?—I know of none; from the very moment I first heard of this case, I advised that it should be brought before Parliament with the least possible delay. In fact, I was always of opinion, considering that the Ameer had come over here from his own country, and the other circumstances, that everything else was a waste of time. I will say that that was the difference in opinion between me and the other advisers of the Ameer.

2436. And in negotiating with, or in conversation with Mr. Vernon Smith, or with any of the Directors of the East India Company, did you conceive it to be your duty, as the friend, or agent, or advocate of the Ameer, to reserve to him as much as possible of the Session, in case his friends should think it necessary to bring the case before the House?—Unquestionably. The proceedings which were intended in the month of May, to bring his case before Parliament, had been suspended. Applications were about to be made to different Members of this House to take part in a debate. Those proceedings were all suspended privately, on my opening these negotiations with the Board of Control; and there was a warning given to me, when I began it, that in the end I would find the only effect would be, that he had been tricked out of the Session of Parliament; that expression was used by one person in writing.

2437. Were there any of the advisers of the Ameer who thought that Parliament was the only Court of Appeal, and that it was throwing away time and labour to negotiate with Mr. Vernon Smith or with the East India Company?—That was the opinion of the most influential of his advisers, and that was what made me feel so much in his having acted on my advice.

2438. Have you ever had occasion to transact business with the Board of Control, or any other Government office, with regard to private claims or private affairs before this?—Never with the Board of Control; I have, with regard to other public offices. From Ireland I am very often appealed to.

2439. Comparing this case with other cases, except perhaps with regard to its magnitude, have you observed a different conduct, or used a different line of argument, or had recourse to what has been termed menaces of a different nature from those you have used in other cases?—In some other cases I have gone much further than menaces, if menace be the proper expression. I never presumed to menace a Minister; it would be the worst way of getting what you wanted. Of course I held out Parliament as the tribunal of ultimate resort.

2440. On any occasion did Mr. Mangles, Sir James Hogg, or Mr. Vernon Smith, intimate in their conduct, correspondence, or conversation, that you had put a pressure on them which you had no right to put upon them as a Member of the House of Commons?—Certainly, talking of pressure upon Sir James Hogg or Mr. Mangles is quite out of the question. The only mention of Parliament to Sir James Hogg was, I think I told him, half-laughingly, I certainly hinted at it, that there were those of the advisers of the Ameer who distrusted the East India Company. I had been told that if that course were taken, the Session would pass away. "Now will you give me an answer before the Session closes, that his friends may, if they think fit, bring it before Parliament?" Certainly the mention of Parliament to Sir James Hogg did not go beyond that. I was not going to be fool enough to try and frighten Sir James Hogg by saying that I meant to make a motion in August. There is one case in which I was engaged in a very serious matter between the Admiralty and the Cork merchants, which I arranged just a month or two before.

2441. Did you tell the Admiralty you would have to bring it before the House, if they did not concede what you wanted?—I did. In that case of the Cork merchants, I was offered a retaining fee of 1,000 guineas. It was a case that might have come before the courts of law, and if I had had my way, would have come before the courts of law; but I felt, although it was a very fair thing to take professionally, that really it was offered to me for services that I could have rendered in negotiating with the Admiralty. I point blank refused it; I did receive, exactly as I did here, a fee of four guineas from the solicitor,

I. Butt, Esq., M.P.

2 March 1858.

who came to consult me as to their legal rights; and having given an opinion legally, I took a great deal of trouble when I came to London, for two months, when I should have been elsewhere, and I finally succeeded for them; but I would have indignantly refused any offer of reward exactly as I would in this case. I refused that fee which was offered me, because it occurred to me that it was in reality to secure not Parliamentary services, but influence with the Government offices, which I do not think a man is at liberty to traffic in.

2442. Mr. Serjeant *Deasy*.] You have been asked, whether you did not receive 2,000 *l.* in two days after the receipt of that despatch from the Indian House by Ali Moorad; was there any connexion between the receipt of the despatch and the payment of the 2,000 *l.*?—I cannot undertake to say that there was not; all that I can undertake to say is, that I never understood there was to be the slightest. Before that despatch arrived days were appointed, more than once or twice, for the whole matter being concluded, and the money paid to me; that Ali Moorad had made up his mind to go, not expecting a reply from the East India Company; that his baggage had been sent down to Southampton, and every arrangement completed; but, looking at what occurred, I cannot undertake to say, although I do not believe it, that Ali Moorad, in his own mind, might not have been waiting for the despatch of the East India Company; that it was any part of the agreement or understanding I distinctly deny; he has told me himself that it had nothing to do with it; I put the question to him at Trieste.

2443. Mr. *Bouverie*.] Can you fix at all the earliest date at which there was any understanding that the 2,000 *l.* was to be paid to you; I do not mean the agreement that it should be paid, but your expectation that it would be paid to you?—Certainly a week before that; the positive promise of that 3,000 *l.* being brought to me upon a particular day, was a week before it was actually paid. When I say a week, I am certain it was on Monday. I am certain on Monday Mr. Coffey made an appointment with me to receive 3,000 *l.* and to receive the bills. I repeat that I cannot undertake positively to say, that, in his own mind, notwithstanding those promises to me, either Mr. Coffey or the Ameer were anxious to see the East India Company's despatch; but on the day that Mr. Coffey went down to send off the Ameer's servants by the Southampton boat, he had made a positive arrangement to meet me, which might have been a week before he went, and to give me that money and the bills, and to close the transaction, and he made an apology when he returned for going off to Southampton; he said he had not intended to go, but he was obliged to go; therefore that money was distinctly promised to me a week before that.

John Hastings Otway, Esq., Q.C., called in; and Examined.

J. H. Otway, Esq., Q. C.

2444. Mr. Serjeant *Deasy*.] YOU have been a long time acquainted with Mr. Butt?—Yes, I am.

2445. You are yourself a Queen's Counsel?—Yes, I am.

2446. Do you remember having any conversation with Mr. Butt, after Trinity Term 1857, with respect to his going to India?—I do.

2447. Can you fix about the date of that conversation?—Sometime in 1857.

2448. As near as you can?—I think the sittings after Trinity Term.

2449. Just tell the Committee when Trinity Term ended?—It ends in the latter end of May; the 24th; it was during the sitting of the Rolls, and I met him, and he called me aside, and we had some conversation; I cannot really fix the very day.

2450. Will you tell the Committee what passed upon that occasion?—Yes; Mr. Butt called me aside; he told me that some Indian prince who had been deprived of his territory, or said that he was deprived of his territory, by the Indian Government, had come over to England to seek for a restoration of it, and that he, Mr. Butt, was interested for him, and had gone, I think, to the then Vice President or President of the Board of Control, and that the result was that some despatch had gone favourable to the claim of this Indian prince; and that he, that is the Indian prince, was very anxious that some person of decision and character, acquainted with the circumstances, should go and see the intentions of the Home Government carried into effect in India. Then he told me that he

he was offered if he would go to India with this man, 10,000*l.*; 5,000 *l.* I think, to be paid on his leaving England, and 5,000*l.* at a future time. What he spoke to me about was whether I would advise him as a friend, and an old friend, to leave Ireland and leave his profession: he spoke with regard to his professional prospects and position, whether he should go out to India on those terms. Of course I considered his health and the probable effect of climate upon him; and then the probable loss of professional position that might occur; I mean his practice and other things; but that is what he spoke to me of; my advice was to go. He told me that he could be back again, as a matter which ought to enter into consideration, in time to attend the Session of Parliament, which would probably meet in the beginning of February as it usually does.

2451. Did he say anything about its being publicly known?—He made no secret of it; I know he consulted other people; he consulted my friend Dr. Stokes as to his going; I have reason to believe that; he did not say whether it was publicly known or not; he did not speak to me of any concealment of it.

2452. Dr. Stokes is a physician of very great eminence in Dublin, is he not?—He is an eminent physician in Dublin.

2453. *Chairman.*] Mr. Butt consulted Dr. Stokes with regard to the effect of climate upon his health?—Precisely.

2454. Mr. Serjeant *Deasy.*] He is also intimate with Dr. Stokes?—Yes.

2455. He lived near him at that time?—Yes.

2456. We all know him, but you may tell the Committee that he is an eminent man in Ireland?—I believe he is of European reputation.

2457. Mr. *Roebuck.*] You say this conversation took place between you and Mr. Butt about the end of May?—I should think about the beginning of June. I really cannot fix the time. I think Mr. Butt at that time was living at Hove. I think he had taken that place for the summer, at the latter end of the month of May. I am not quite accurate as to that. I know it was in the sittings, where our business was drawing to a close for the year. I think the Rolls Court was sitting; it was just outside the Rolls Court that he called me aside.

2458. He told you that some despatch had been sent which would require the presence of a firm man in India?—He did not say that the despatch had been sent, but that the despatch would be sent. I think that is it, and that the Ameer, this Indian prince, was not satisfied with the assurance that such a despatch would go, unless some person went with him of character and decision, who knew the circumstances, to see the intention of the Home Government carried out.

2459. At that time he told you that it had been agreed that he should receive 10,000*l.*?—That an offer was made to him.

2460. £. 5,000 to be paid to him in England, and 5,000 *l.* on his arrival in India?—That is my recollection.

2461. And that was about, you think, the close of the sittings after Trinity Term?—I will not say the close of the sittings; during some of those after sittings.

2462. About the end of May?—I think so.

2463. Mr. Serjeant *Deasy.*] The sittings after term commence, of course, on the termination of the term?—Yes.

2464. I believe the sittings after Trinity Term last a considerable time?—They do.

2465. Had the sittings been going on for some time before you had that conversation?—I think they had.

2466. Do you remember whether Mrs. Butt was in London at that time?—I have not a very distinct recollection; if the Committee will take the best recollection I can give them, my impression is, that she was in London. I remember this, that at that time he spoke to me of his son going to be examined at one of these competitive examinations at Woolwich. I think they were in London; I am not sure.

2467. Mr. *Bouverie.*] When did the sittings after term finish?—When I spoke of the sittings after term, I mean the sittings of the court of equity.

2468. They rise for the long vacation?—Yes.

2469. When does that take place at the Irish courts?—It depends upon the length of the business to be done.

2470. Mr. Serjeant *Deasy.*] I believe they usually last until the circuits go out?—

J. H. Otway, Esq., Q. C.

2 March 1858.

out?—Yes, after. I think the Lord Chancellor rose on about the 20th of July last year.

2471. Mr. *Bright.*] Do you mean to fix the time somewhere between the 24th of May and the 20th of July?—I do.

2472. You have said that you thought it was probably early in June in answer to a question from Mr. Roebuck; you rather left it to be inferred that it might even be the last week in May. Now, taking the time between the 24th of May and the 20th of July, can you give anything decided; if you cannot, of course, say so; if you can, do so, because you leave it at present in a rather unsatisfactory state?—At present I cannot give more assistance to the Committee.

2473. *Chairman.*] Whatever the date was, Mr. Butt spoke of the project of going to India as one at that time unsettled, and only one which was in contemplation?—Oh dear, yes.

2474. Not settled?—No; he was asking me, and I suppose he asked other friends, as to whether it would be advisable for him under the circumstances to go.

2475. Colonel *Wilson Patten.*] Did the mode in which he spoke to you give you the idea that his inclinations were to accept it, or the reverse?—I think he was rather disposed to accept it. I think what pressed more upon him than anything else was, whether the climate would agree with him; that is my impression.

David Boyle, Esq., called in; and Examined.

D. Boyle, Esq.

2476. Mr. Serjeant *Deasy.*] I BELIEVE you are a member of the Irish Bar?—I am.

2477. You have been long acquainted with Mr. Butt?—Yes.

2478. I believe it was your brother that defended Arrah?—It was.

2479. Do you remember being at Mr. Butt's house, at Howth, in the month of June 1857?—I do; Mrs. Boyle and I were staying on a visit there.

2480. About what period in June was it, do you remember?—It was towards the latter end of June; we were there the entire of June.

2481. Do you remember any conversation between you and Mr. Butt relative to India at that time?—I do.

2482. About what time did that occur?—It was when Mr. Butt returned from London. We went out to Mr. Butt's house on a visit on the 30th of May. Mr. Butt was then there; he went over to London upon business, and stayed there some weeks, and then he came back; and it was about the middle or latter end of June; and he told us all there, his family, Mrs. Boyle, and me, of an offer he had to go out to India from an Indian prince.

2483. Did he tell you what the particulars of the offer were?—He said that he had been offered 10,000 *l.* to advocate the cause of that prince in India.

2484. Did he say how the 10,000 *l.* was to be paid?—No; he did not go into particulars at all as to how it was to be paid.

2485. Do you remember was Mrs. Butt in London at that time?—She was.

2486. Do you know Dr. Stokes?—I do.

2487. Do you know of his consulting Dr. Stokes upon the subject?—Yes; Dr. Stokes resides in the neighbourhood, and when I went in in the morning, in the railroad carriage, Mr. Butt told me of this. We came out together by the railway. Dr. Stokes happened to be in the same carriage, and he mentioned the matter to him, and asked him how India would do for him in his present state of health. Dr. Stokes made various inquiries, and asked him how long he would be there, and could be finish his business in the cold weather; and he said that that entirely depended upon the Government there; there were a good many questions asked, and Dr. Stokes, Mr. Butt, and I walked up together to his house, and it was a matter of conversation on our walk, a matter of debate; and what is distinctly in my recollection, is the medical conversation at the time.

2488. Do you remember his mentioning this at a dinner of his friends there?—I do; in fact it was a matter of common conversation to all Mr. Butt's friends, it being rather an unusual engagement.

Captain *Charles Patton Keyes*, called in; and Examined.

Capt. *C. P. Keyes.*

2 March 1858.

2489. Mr. Serjeant *Deasy.*] YOU are an Officer in the Indian army, I believe?—Yes.

2490. Are you acquainted with Hindostanee?—Yes.

2491. Do you remember being present at any interview or conversation between the Ameer Ali Moorad and Mr. Butt?—Yes, I do.

2492. About what time was that?—It was, I think, the last week in July.

2493. What year?—1857.

2494. Do you remember who brought you to that interview?—Yes; Mr. Butt.

2495. For what purpose?—For the purpose of interpreting between him and Ali Moorad.

2496. Will you now tell the Committee what Mr. Butt said to the Ameer upon that occasion?—He told me to ask the Ameer whether he had sent any message through Ali Ackbar that Mr. Coffey was cheating him. I put the question accordingly, and the Ameer replied that he had not.

2497. Did he, Mr. Butt, say any more to the Ameer?—Yes; he asked whether any person had given him to understand that money had been spent in his name to obtain Parliamentary interest.

2498. What did the Ameer say?—He said no, that he had not.

2499. Did Mr. Butt say anything more about that?—Yes.

2500. Just tell the Committee what he said?—After I had said this to the Ameer, I asked whether the Ameer had given Mr. Coffey any sums of money for which he had not accounted, and the Ameer said, yes, that he had given him a large sum of money which he had spent for various purposes; that that was his private business, and was no interest to nobody.

2501. Did Mr. Butt say anything more then to the Ameer about Parliamentary influence?—Yes, Mr. Butt then told me to impress strongly upon the Ameer that if any person induced, or tried to induce him to believe that money was used for that purpose, it would be utterly false; that it was impossible it could be of use, and that it would utterly ruin his cause, and that he, Mr. Butt, would wash his hands of it.

2502. *Chairman.*] For what purpose?—To use Parliamentary influence; upon which the Ameer replied, "Do you think I am so deficient in sense as to believe a story of that sort? I know the English customs a great deal better."

2503. Colonel *Wilson Patten.*] In what sense did you understand that expression of the Ameer?—That he knew that it was not the custom to bribe for any purpose of the sort.

2504. *Chairman.*] Was that the only occasion on which you interpreted for Mr. Butt with the Ameer?—The only occasion.

2505. Have you stated, to the best of your recollection, all the conversation which you interpreted on that occasion between Mr. Butt and the Ameer?—Immediately after this, Mr. Butt told me to ask whether he was to consider that Mr. Coffey still possessed the Ameer's confidence, to which the Ameer said, "Yes." I think shortly after Mr. Coffey made his appearance in the room.

2506. Mr. *Sidney Herbert.*] This was in July?—I think it was the first week in July. I cannot fix any exact date.

2507. *Chairman.*] Have you anything else to state to the Committee with reference to that conversation, of your own knowledge?—I had a conversation with Mr. Irwin on the subject.

2508. Between Mr. Butt and the Ameer you interpreted; have you told us all that took place?—To the best of my recollection, I have told you all that took place.

2509. Who presented you to the Ameer?—Mr. Butt and Mr. Coffey were both present.

2510. Did Mr. Coffey leave the room, after you had been presented, while this conversation went on?—Yes, a few minutes after; there was the usual ceremony at the first interview. Mr. Coffey left the room a few minutes after I arrived.

2511. The conversation which you interpreted was in the absence of Mr. Coffey, until he returned?—Yes.

Capt. *C. P. Keyes.*

2 March 1858

2512. Was the conversation between Mr. Butt and the Ameer dropped on Mr. Coffey's entering the room, or was it continued?—It was dropped.

2513. It went no further?—No.

2514. Mr. *Bright.*] Did Mr. Coffey know that you could converse with the Ameer in his own language when he introduced you?—Yes, I believe he did.

2515. Mr. *Bouverie.*] Was anything said to the Ameer about any payment to Mr. Butt of any kind whatever?—No, not at all.

James Charles Coffey, Esq., called in; and Examined.

J. C. Coffey, Esq.

2516. *Chairman.*] I THINK you are a member of the Irish Bar?—I am.

2517. Going the same circuit with Mr. Butt?—Yes.

2518. And have been long acquainted with Mr. Butt?—For several years.

2519. And you have been intimately acquainted with him?—I cannot say that.

2520. You were an acquaintance of his in the year 1856?—Yes, and for years before that.

2521. Did you come to London with your brother, Mr. David Coffey, in the Session of 1856?—No, I did not; my brother preceded me by many many days.

2522. In the course of that Session did you come here?—Yes; I can fix the date accurately, if it be of any consequence.

2523. Will you have the goodness to fix the date of your arrival in London during the Session of 1856?—I arrived upon the 24th, I think, or the 25th.

2524. Of what month?—June; I have the telegram here, and it was in consequence of that telegram I came. I see it is dated June the 22d, and it tells me to leave by the first or second boat to-morrow positively, upon which I assume that I was here on the 24th of June.

2525. Who summoned you to London upon that occasion; who sent the telegraphic message asking you to come?—My brother, Mr. David Coffey.

2526. When you arrived, did anything take place between you and your brother David with regard to the affairs of Ali Moorad?—Yes.

2527. Will you state what took place between you and your brother?—My brother informed me when I came to London that Mr. Butt had all the papers, and had been reading them, as well as I recollect; I got into communication with Mr. Butt either the day of my arrival or the day after my arrival, and I talked, chatted to him about the matter, and from that moment, during my stay in London until I returned to Ireland, I was in daily communication with Mr. Butt and with Mr. David Coffey, and during that period I had also several interviews with the Ameer.

2528. State again what was the date of your arrival?—It was either the 23d or the 24th of June, I am not at this moment able to say precisely which.

2529. Your brother David is a solicitor, is he not?—He is.

2530. Were you professionally employed at all on that occasion, or was it that your brother asked you to come for the purpose of aiding him with regard to the conduct of the Ameer's affairs?—I should say that I came in a mixed capacity; I came in consequence of conversations which I had in the previous year with my brother, Edward Coffey; he expressed to me a very great desire that I should come to London for the purpose of advising him with reference to the affairs of the Ameer; and I came here, not, as I said before, in a purely professional capacity; I came in a great degree, I should think, as the confidential adviser of my brother Edward.

2531. That communication with your brother Edward was in the previous year, 1855?—I had, in the year 1855, conversations with my brother in reference to the affairs of the Ameer, and therefore I was not surprised or astonished that I was brought over to London in 1856, when the Ameer arrived.

2532. Your brother David told you that the Ameer's papers, before your arrival, had been placed in the hands of Mr. Butt?—Yes; that is to say, blue books and Parliamentary papers, pamphlets, and documents of that description, which gave information with regard to the case of the Ameer and his position.

2533. Was

2533. Was it stated what was the object of the reference of those papers to Mr. Butt at that time?—Unquestionably.

2534. What was the object stated?—Perhaps I had better say that the moment I came in communication with Mr. Butt, the very day I arrived, I commenced preparing a rough draft of a petition to be presented to Parliament. We were all of opinion, that is, Mr. Butt, myself, and all the parties who spoke upon the matter, that there should not be an hour lost, after the arrival of the Ameer, before a petition should be presented to Parliament, for the purpose of making the Members of Parliament acquainted with his case; it being supposed that as it was late in the Session, there would not be much time to do more than have that petition in the House, and to try to get Members to take an interest in it and read the case, and be informed of it. That was the first step which it was thought desirable to take.

2535. You say that you saw Ali Moorad in person?—I did.

2536. Had you frequent communications with your brother Edward, as well as your brother David?—Repeated.

2537. Were your two brothers in consultation with you and Mr. Butt upon that occasion?—Certainly; I will not fix any particular date or period; but I say, that beyond all doubt we were constantly in communication with Mr. Butt, and my brother David and my brother Edward; my brother Edward not so much as my brother David.

2538. You three brothers and Mr. Butt were the parties consulted for the interests of Ali Moorad?—Yes, certainly.

2539. Was any other person consulted at that time?—I should think not; not for perhaps two or three days after the petition was presented.

2540. Let us confine ourselves first to the time previously to the preparation of the petition; how was the petition prepared by you and Mr. Butt?—I prepared from the documents that were then accessible, a blue-book, a pamphlet, and a statement of his case, as well as I recollect. I prepared and extracted the facts, and I noted them upon paper; and I prepared very rudely and very roughly a draft of the petition, which Mr. Butt and I went over together, and we spent either one or two entire nights in going through that. Mr. Irwin, a gentleman who is a friend of Mr. Butt's, was also present upon one or both of those occasions. During the preparation of that petition sometimes Mr. Butt might dictate it to me, and sometimes I suggested matter. I mean to say that the petition, which was thought to be one of very great ability, is all due to Mr. Butt; he was the person who deserves the credit of it.

2541. Had you a retaining fee for your professional services on that occasion?—I had not.

2542. No retainer?—I had not.

2543. And it is not of your knowledge, whether Mr. Butt had or not?—It is not, except from what I heard subsequently.

2544. You had yourself no retaining fee?—None.

2545. And you have no knowledge that Mr. Butt had?—No, I had not at the time.

2546. The petition was the joint production of you and Mr. Butt?—I do not say so; I would rather say that it was the production of Mr. Butt; I lent but a very humble part to it.

2547. You sat up a considerable portion of one night writing, and Mr. Butt dictating?—Yes.

2548. After the presentation of the petition, what occurred?—After the presentation of the petition, as well as my memory serves me, we got it up in a sort of pamphlet form or letter form; and it was deemed advisable to send it to every Member of Parliament; I think that was the next step that was taken.

2549. Do you remember the motion that was made for papers by Mr. Butt shortly after the presentation of the petition in the Session of 1856?—I do remember that there was a motion made by him, but I am not able, from memory, to fix the exact period of time, but it was shortly after, to the best of my recollection.

2550. Had you any conversation with your brother Edward shortly after the presentation of the petition with respect to any remuneration to be given to Mr. Butt for his services?—No; distinctly not.

Capt. *C. P. Keyes.*

2 March 1858

2512. Was the conversation between Mr. Butt and the Ameer dropped on Mr. Coffey's entering the room, or was it continued?—It was dropped.

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J. C. Coffey, Esq.

2 March 1858.

brother David did not arrive in London, or did not come to London, until I was nearly going away.

2574. Had you had a conversation with your brother David with reference to the intention of Mr. Butt going out to India, and the pecuniary remuneration for his going?—When he arrived in London, of course it was a subject which we spoke of together.

2575. Nothing which passed in that conversation shook the first impression which was left on your mind, by your conversation with Mr. Butt?—No.

2576. Did anything take place between you and your brother Edward at that time, in regard to Mr. Butt going out to India?—There did.

2577. State to the best of your recollection what passed between you and your brother Edward?—The substance of the conversation, as well as I recollect it, is that he said, "What do you think, Butt is going to India; it is all arranged;" and I said, "Well, I heard so" (this is as well as I can recollect); "I heard so from Mr. Butt." He said, "What do you think of his going?" I said, "It is a matter altogether for his consideration; I am perfectly certain, if he goes out to India with regard to the affairs of the Ameer, he will be of great service and of great utility to him. As to his own personal position, that is a matter for his own selection." I think that is about the amount of what passed between us.

2578. In the conversation between you and Mr. Butt, as to the sum of 10,000 *l.*, to the best of your recollection did anything transpire from Mr. Butt, that that 10,000 *l.* was in part payment for past service, as well as prospective payment for the journey to India?—No; nothing that Mr. Butt said would convey that idea to me. It struck me, when I heard of it first, as an odd engagement for Mr. Butt to enter upon; but I did not consider, directly or indirectly, anything beyond the facts of the transaction as they were disclosed to me. I did not inquire or scrutinise into the matter more. It never occurred to me to think whether it was for past services or anything. I took the transaction as it stood; it never occurred to me to think about it.

2579. Mr. Butt said nothing that led you to conclude that it was in part payment for past services?—No, certainly not.

2580. Did your brother Edward say anything that led you to that conclusion?—He did not say anything to me beyond the naked fact I have already stated, that Mr. Butt was going to India upon the Ameer's affairs; it was all arranged; he was to get 3,000 *l.*, and 7,000 *l.* was to be secured by bills.

2581. I will put it more pointedly; in the conversation with Mr. Butt or your brother, with regard to pecuniary remuneration, was there any reference to past Parliamentary services?—No, there was not.

2582. Distinctly not?—Distinctly not.

2583. I am going to advert to another painful subject; a letter is before us, signed by you, addressed to your brother Edward, written in the autumn of last year, after a telegram from Vienna, in which it was conveyed to the Government, that your brother Edward had not acted constantly with fidelity to the Ameer, or had not expressed a favourable opinion of his conduct under critical circumstances. You say, in the third line of this letter, "It shows you how far the case stands, but I regret to add it is in reality immeasurably stronger against you." Does the Committee rightly infer from that expression, upon looking to the whole of that transaction, that your opinion was, that of disapproving of your brother Edward's conduct?—Undoubtedly it was; at the time, as the facts stood, as Mr. Butt's letter represented to me, I entertained a most painful feeling with regard to that transaction. When I received Mr. Butt's letter I was in the country, some distance from Dublin; I was so overcome by it, that I was unable to take any step or do anything for several days. I then sent the letter to my brother David. I desired him to get a copy made of it, and to send it to my brother, in order that he should see the grounds upon which Mr. Butt alleged that he acted. I scored out two passages from the letter, which I directed not to be inserted in the copy, for reasons which I had; and at that time, with Mr. Butt's letter before me, I certainly did entertain a very painful idea upon the facts that were alleged to have occurred.

2584. May I ask if any facts have come to your knowledge since, which have induced you to entertain a more favourable opinion of your brother Edward's conduct?—Yes, unquestionably; strong facts.

2585. Will you state to the Committee what those facts are which have qualified

qualified the opinion which you expressed in your letter to your brother?—I went over Mr. Butt's letter with Mr. Butt himself, after he returned from the Continent; and I discussed Mr. Butt's letter with him, paragraph by paragraph. Mr. Butt showed me documents from which I drew the conclusion that my brother Edward had travelled upon the Continent, and introduced a lady as his wife. I knowing that his wife was in this country at the time; and I was under the impression that my brother introduced her at the Embassy as his wife; that they had made a statement there, and conjointly concurred in it; and I was of opinion that that was supported by documents that Mr. Butt showed me. In addition to that, there was a statement made there about a pecuniary transaction, which left a very painful impression upon my mind; and I was under those impressions when I wrote that letter to my brother Edward.

2586. Mr. *Bouverie.*] Have you that original letter of Mr. Butt's?—No; I have a copy of it. I should say that I was in the north of Ireland when I directed that copy to be made; when I came to town subsequently, I got a correct copy made myself, which I examined with the original, and which I have.

2587. *Chairman.*] Have you seen the printed copy before us?—No, I have not seen it.

2588. It has been stated that there is an omission from that letter; I should like to have your copy collated with that which is now before us, to see whether there is an omission?—This copy I myself compared, and these are the original documents (*producing some papers*).

2589. What has become of the original?—I destroyed it; I took Mr. Butt's letter with me to Mr. Butt. I read it to him, and after I had done so, in consequence of communications which reached me that an action was threatened, I thought it advisable to destroy that letter, because the name of a third person was introduced into it, I thought improperly and incorrectly; I did not wish that anything that I should send should be the foundation of an action in respect of that third person, whom I hope the Committee will not ask me to name.

2590. Is that the passage which is omitted in the letter which is now before us?—This is the copy of the letter, which I compared with the original myself.

2591. Does that letter contain that name?—It does not.

2592. That is omitted?—Yes.

2593. In the copy that I have in my hand?—Yes; there was a passage in that letter with reference to a person, and I thought it not right that it should go to the hands of other parties.

2594. I will read the passage here very near the end of the letter: "I must not conceal from you that among these disclosures were some which threw a miserable light upon this strange history. They were made here"?—It is in reference to that, otherwise this document that I hold in my hand is a *verbatim* copy of that letter.

2595. Will you go on to state what are the facts which have come to your knowledge since you formed this unfavourable opinion of your brother which have qualified that opinion or have changed it?—The first fact which I have ascertained that has altered my opinion is this, that the representation that my brother had travelled with a lady, introduced and lived with her as his wife, is utterly and absolutely untrue. The next fact that has caused a change in my opinion is this, the documents that are referred to in this letter refer also to a statement that was said to have been left at the Board of Control by Ali Ackbar; in that there is an allusion to money transactions, and imputing direct charges to my brother of defalcations and peculations. I spoke to Mr. Butt upon that occasion.

2596. When?—On my first interview with him, Mr. Butt then had not,—I do not mean to say he kept it from me, or suppressed it from me; I should be sorry to convey such an idea,—but he had not, at that moment, the document of Ali Ackbar to show me.

2597. Was that after Mr. Butt's return from Trieste?—Yes.

2598. Where did this conversation take place?—In his own house; he had called upon me two or three times, and I missed seeing him. I called upon Mr. Butt, and he showed me the documents he had got from the Embassy.

2599. In Dublin?—Yes.

2600. Fix the time as near as you can?—It must have been early in November. I think

J. C. Coffey, Esq.

2 March 1858.

I think at that time he had not that memorandum of Ali Akhbar's with him. Upon a subsequent occasion he showed it to me, and in that document there is a sum that struck me at once, the 2,000 *l.* I said to Mr. Butt, "Mr. Butt, as far as a reference to that pecuniary transaction and to that statement goes, it appears to me that you yourself could have set that matter right with the Board of Control, and that no pecuniary stain can rest upon my brother, for you had the means of contradicting it." Mr. Butt told me that he did contradict it. Mr. Butt told me distinctly that he had assured Mr. Vernon Smith and Sir George Clerk that Mr. Coffey had not touched one farthing of that 2,000 *l.*

2601. There is another item of 300 *l.*?—That 300 *l.* I know nothing about, but I confine myself to the 2,000 *l.* which Mr. Butt told me he had received. He at once, like a gentleman, admitted, "I got it, and your brother has nothing to say to it. I have set all that matter right at the Board of Control. I have told them that he did not receive that money at all, and they do not think anything about it: there is nothing in that." I adverted to his letter, in which he states that the telegram would have been disregarded, but that the joint effect of the telegram and the memorandum of Ali Akhbar was to produce an unfavourable impression there. I will read the passage in his letter: "On the 14th I happened to call on Vernon Smith on a totally different matter. He told me he had just sent me an official letter, and then mentioned its contents; you will know them by reading documents 1 and 2" (which I have), "which I enclose;" (he did not enclose Ali Akhbar's memorandum). "He told me that he attached no credit whatever to the information; that he had desired it to be disregarded; but that, as he saw I placed confidence in your brother, he could not know of this without placing it in my hands."

2602. Have you investigated the fact, whether Mr. Butt did make that explanation at the Board of Control with regard to that 2,000 *l.* which he told you he had made?—I firmly believed that Mr. Butt had done so; he assured me of it over and over again; he assured me that no pecuniary stain or blemish rested upon my brother's character whatever, and I firmly and confidently believed him, until I read in "The Times" newspaper on Monday the evidence of Mr. Vernon Smith and Sir George Clerk, and I was painfully startled and astonished, and that is also a circumstance that has renewed my feeling of affection for my brother.

2603. What was the statement purporting to have been made by Mr. Vernon Smith and Sir George Clerk that filled you with such painful feelings?—Sir George Clerk is represented in "The Times" newspaper to have stated that Ali Akhbar's memorandum tallied with previous statements made by Mr. Butt. It also stated that Mr. Butt never referred to that 2,000 *l.*, and never explained that he, Mr. Butt, had received it; I am only giving the substance (I am now speaking from recollection; I read the paper on my arrival here on Monday), and that Mr. Butt had given no explanation with respect to that memorandum of Ali Akhbar. Mr. Vernon Smith is represented to have stated that he made no statement with regard to that money.

2604. I will read to you Question No. 1654 to Mr. Vernon Smith: "Did Mr. Butt ever explain to you that that 300 *l.* and that 2,000 *l.* which was attributed to Mr. Coffey as a defalcation, he himself, Mr. Butt, had received?" And the answer of Mr. Vernon Smith is, "No." Now I put it to you, is that answer of Mr. Vernon Smith's consistent with the statement made by Mr. Butt to you with regard to the explanations given by him at the Board of Control?—Most distinctly not, and had I known at the time that Mr. Butt had been telling me in Dublin and in England what was at variance with the fact, assuming the statements of Mr. Vernon Smith and Sir George Clerk to be correct, I would not have held intercourse with him for one single moment; I could not have done it.

2605. I will just read to you what Sir George Clerk says upon this point. Sir George Clerk is asked at Question No. 1815, "Do you know whether you ever saw Mr. Butt after the reception of that memorandum?" To which he answers "No, I cannot say that I did." And in answer to the former question, he said, "With the exception of the figures, I do not recollect Mr. Butt making use of any particular amount." Does that appear consistent with the statement made by Mr. Butt to you that he had offered explanations as to the sum of 2,000 *l.*?—Most entirely inconsistent. Not only did Mr. Butt assure me, over and over again, that that matter with respect to the appropriation of that money

was

was set to rights at the Board of Control, but he told me in distinct terms that he had written a letter contradicting and explaining it, but that he had not kept a copy of it.

2606. Mr. *Bouverie.*] To whom?—To the Board of Control. My anxiety and I expressed it to Mr. Butt, was this, that the telegram was a most unfortunate transaction, and I attributed it to the circumstance of my brother's connexion with that lady; but that with respect to the pecuniary imputation, he was as clear as a sheet of white paper, and that we ought at all events to wipe that out; afterwards, the telegram might be a subject of inquiry, but with that pecuniary imputation resting upon him, the difficulties would be insuperable of doing anything.

2607. *Chairman.*] Without going into details, do I rightly understand you that in regard to the first point which operated upon your mind when you wrote the letter of October, you have ascertained to your satisfaction that your brother Edward did not travel with Mrs. Parr as his wife, or introduce her as his wife?—Yes; if I would not be deemed taking up too much time or intruding upon the Committee, I should like to state the circumstances under which I arrived at that conclusion.

2608. Have you satisfied yourself that that is not true?—I have, perfectly. There is a gentleman of position in the room, and in his presence I got the explanation, along with the letters given from the Embassy, which show that there was a mistake, that the Embassy people themselves fell into a mistake; but, in addition to that, this gentleman assured me that his wife and his daughters, and all the members of his family, were perfectly aware of that lady going out with the Ameer's party, and it was with their sanction and concurrence that she went.

2609. I will drop that point, but I will just recur for a moment to Mr. Butt's alleged explanation of the pecuniary transaction, and at Question No. 2016 Mr. Butt gives this evidence to this Committee: "In that there is reference to those sums of 2,000 *l.* and 300 *l.*? Yes.—Have you given any explanation, or stated to any one, that that was a mistake with respect to Mr. Coffey, that you had, in point of fact, received those sums?" and the answer is, "No, I would have done so.—Will you explain why you did not? I would have done so, but at that time I was so dissatisfied with what had occurred, that I thought it most probable that the arrangement would have terminated. If it was a terminated arrangement, I did not wish to say anything about it. I did say to Sir George Clerk, whom I never saw at that time until after this telegraph came to me, 'He is under a mistake;' I did say to him that upon a former occasion I believe the memorandum came from Ali Akhbar. Upon a former occasion Ali Akhbar had made charges of misapplication of the earlier items, and that upon my going to the Ameer, and taking with me an officer of the Indian army who happened to be in London to interpret, that the Ameer had expressed himself satisfied with Coffey's accounts; I told him, as to some of the later items, that I knew Coffey ought not to be charged with them." Now the answer to Question No. 2017 is, that he had not made any explanation; the answer to No. 2018 you will see does mention some explanation. Do the positive denial in No. 2017, and the qualified admission in 2018, tally with the representation which was made by Mr. Butt to you?—No, they refer to totally distinct transactions.

2610. Mr. *Roebuck.*] Have you got the original of which that is a copy (*handing a paper to the Witness*)?—Yes, I have.

2611. Have you it with you?—I have.

2612. That is a letter from Mr. Irwin?—That is a letter that I have from Mr. Irwin.

2613. Do you recollect the date of that letter; this copy contains no date?—The letter itself is not dated; I have searched for the envelope, but have been unable to find it, but the letter gives very approximately internal evidence of date.

2614. This is from Mr. Irwin; he has gone out with the Ameer, and did act as secretary for Mr. Butt?—I will not say that he was the secretary of Mr. Butt; I do not know the fact to be so. He was constantly with him (he is a connexion of his); but in what capacity, whether he filled the office of secretary or not, I am not aware.

2615. I see there is an erasure in the letter; was that your doing?—That is

J. C. Coffey, Esq.

2 March 1858.

my doing. There is an erasure of two lines which referred to a totally distinct subject; I have the two letters to which that erasure refers, but they have reference to a different transaction, and they have nothing to do with this inquiry.

2616. Mr. Serjeant *Deasy*.] What do those erasures refer to?—It is enclosing a letter from a gentleman that I have here, in order to show that it is a private matter.

2617. Can you fix the date of it?—I find it says, "a transaction will occur by the 27th." I can fix the date very closely, because from that letter I caused an extract to be taken out, and sent by telegraphic despatch to Trieste.

2618. *Chairman*.] It was somewhere in the month of September 1857?—It must have been.

Vide Appendix.

[*A Letter to Mr. James Coffey, signed "E. A. Irwin," was read.*]

2619. Mr. *Roebuck*.] What did you understand to be the meaning of the word "Sahib"?—That was a playful expression employed to designate Mr. Butt.

2620. So that it would read thus: "The affair certainly seems to offer more scope for Mr. Butt to the exercise of his powers, and to apply the pressure either here or in India"?—That is what Mr. Irwin intended to represent.

2621. Mr. Serjeant *Deasy*.] I will recal your recollection to the conversation which took place between you and Mr. Butt when he had returned from Trieste?—He had two or three conversations with me.

2622. Was not what he said to you this, or to this effect, that all respecting the pecuniary matters relating to your brother had been set right at the Board of Control?—Yes, that was one of the expressions that he used.

2623. You understood by the Board of Control, Mr. Vernon Smith?—I understood Mr. Vernon Smith, and I understood anybody that had access to or that had read in an official quarter Ali Ackbar's memorandum. I did not know where it was, where it came from, or anything about it.

2624. Will you just listen to this portion of Mr. Butt's evidence, at Question No. 2015: "Now I come to this memorandum of Ali Ackbar's, a copy of which you received from Sir George Clerk? Yes.—In that there is reference to those sums of 2,000 *l.* and 3,000 *l.*? Yes.—Have you given any explanation, or stated to any one, that that was a mistake with respect to Mr. Coffey; that you had in point of fact received those sums? No, I would have done so.—Will you explain why you did not? I would have done so, but at that time I was so dissatisfied with what had occurred, that I thought it most probable that the arrangement would have terminated. If it was a terminated arrangement, I did not wish to say anything about it. I did say to Sir George Clerk, whom I never saw at that time until after this telegraph came to me, 'He is under a mistake.' I did say to him that upon a former occasion I believe the memorandum came from Ali Ackbar. Upon a former occasion Ali Ackbar had made charges of misapplication of the earlier items, and that upon my going to the Ameer, and taking with me an officer of the Indian Army, who happened to be in London, to interpret, that the Ameer had expressed himself satisfied with Coffey's accounts; I told him as to some of the later items, that I knew Coffey ought not to be charged with them.—To whom did you say that? To Sir George Clerk; Sir George Clerk threw off the conversation very hurriedly, saying that the Board of Control had nothing to do with the Ameer's private affairs. I said that was quite true; he said he did not attach any value to it whatever, and he sent it to me because it was there.—Was that before you returned from Trieste? No, before I went out; I was at first disposed to go to the Board of Control, and tell them exactly the whole arrangement; and had I been quite sure that it would have been carried out, I would have done so.—Did the Ameer see a copy of that memorandum? Yes.—In Trieste? Yes, and read it in Mr. Coffey's presence, and we discussed about it.—In that evidence Mr. Butt states that he had told Sir George Clerk, that as to the earlier items, the Ameer had satisfied himself that your brother's accounts were correct; and as to some of the later items, he himself knew that Mr. Coffey, your brother, ought not to be charged with them; he also says, 'Sir George Clerk threw off the conversation very hurriedly, saying, that the Board of Control had nothing to do with the Ameer's private affairs'"?—That explanation does not satisfy my mind at all. The absolute duty a man of honour and a man

of

of feeling has to perform, when an imputation or charge of that sort is made, and having the means of contradiction in his hand, is to do it fully and effectually and at once.

2625. Is that his duty to a person who says he knew nothing about it, and did not consider it was any affair of his?—Yes; if any man tells me that a person has appropriated 2,000 *l.*, or 2,000 farthings, and I know that to be utterly untrue, in my mind there is but one duty incumbent upon me who have the information.

2626. He told you that your brother's pecuniary part of the transaction was all right?—He told me distinctly; there can be no doubt about that fact. I am aware, for Mr. Butt himself had told me, that all the transactions with the Ameer had been the subject of inquiry, and that Captain Keyes, in his own presence, and in the absence of my brother, inquired from the Ameer whether his accounts were straight and correct. Ali Akhbar had told a miserable calumny about him; but Mr. Butt, with his own lips, said to me, that the Ameer told him that the accounts were perfectly correct, and that he had no fault to find about it. There was nothing to say to Sir George Clerk, or to Mr. Vernon Smith, except, "Mr. Coffey is perfectly irreproachable, as far as that memorandum is concerned." There is one item of furniture, said to be worth 500 *l.*, but I know that furniture to have been sold by public auction, and the proceeds applied for rent and for dilapidations, taxes, and other claims, leaving but a balance of 15 *l.*, which has been accounted for.

2627. Did not Mr. Butt say in the evidence that he had examined into it, in the presence of an officer of the Indian army, and that the Ameer had expressed himself satisfied with Mr. Coffey's accounts?—Yes, in one part; if you read the whole answer together, it jumbles up subjects together, and it leaves a confused impression upon the mind of the person who reads it, and it would be difficult to say whether he did mean that or not.

2628. Mr. *Bright.*] If I understand, you do not complain that Mr. Butt, in speaking to yourself, did not sufficiently excuse your brother?—Not at all.

2629. But that he did not sufficiently explain the matter to the Board of Control?—Certainly; Mr. Butt completely and entirely explained it to me.

2630–1. You have spoken about the confusion in the answer, which is obvious. Do you observe that Mr. Butt was anxious not to tell them at the Board of Control that he had received those sums of money, because he thought the arrangement with the Ameer might terminate, and therefore the less that was said about it the better?—I do. I am bound to say I did not care twopence what explanation he chose to give, so that he did that which was completely in his power, namely, exonerate my brother from a shameful imputation. I did not want Mr. Butt, nor did I expect from Mr. Butt, that he should say to Sir George Clerk, if he had reasons for not saying it, that he himself had the money in his pocket; but he should have said, "I know of my own knowledge that Coffey has not touched a farthing of that; it never reached his hands."

2632. Mr. *Roebuck.*] Have you seen that memorandum?—I saw it with Mr. Butt. I got no copy of it. I asked for a copy of it, and Mr. Butt, properly, perhaps,—I do not throw any imputation upon him,—did not give it to me.

2633. Now the statement is, that as far as regarded the latter items, he was altogether free from imputation. Do you know that the very first item of Ali Ackbar's charges is the sum of 300 *l.*?—No. Observe, I have not seen Ali Ackbar's memorandum since the date that Mr. Butt showed it to me; and I remember that what I fastened upon at once in Ali Ackbar's memorandum was the statement, that upon the day, or the day before, or some short period before the Ameer left, Mr. Coffey compelled him to draw 2,000 *l.* The phrase struck me, I remember, as strongly conveying a direct charge. I of course was most anxious to have the matter explained away. I spoke to Mr. Butt upon it, and referring to that telegram, he assured me, and I believed him implicitly, entirely, until I read "The Times" on Monday morning.

2634. General *Codrington.*] Did your brother Edward mention that the sums of 3,000 *l.* and 7,000 *l.* were to be given to Mr. Butt for going to India?—He did.

William Seymour Fitzgerald, Esq., a Member of the House; Examined.

W. S. Fitzgerald, Esq., M. P.

2 March 1858.

2635-6. Mr. Serjeant *Deasy*.] DO you remember having any conversation with Mr. Butt in June or July 1857 about his going to India?—My recollection is, that it must have been somewhere in the month of July.—I should say rather late in the month of July. We were waiting for a division rather late, I think about one or two o'clock in the morning, and Mr. Butt and myself were in conversation, and, as nearly as can be, I will tell you how it passed. I think he said to me something like this, "What strange things happen to a man; you know I have often told you how much I should like to go to India," and he said, "Now I have got an offer to go." I said, "Oh, indeed." He said "Yes," that the Ameer Ali Moorad was so struck with his way of doing business, or something of that kind, that he had made him an offer that he was very desirous of having his assistance in India as his confidential adviser and friend. He did not, as far as I recollect, I am sure he did not say that it was in reference to any particular settlement of a claim that was to be made there; he merely wished him to go there as his confidential adviser; he further said, of course it was a matter of great anxiety to him, because in his professional position it was a hazardous step to leave England for a considerable period of time. I do not think anything else passed, except probably I remember saying to him, "Well, if anything should take me to India, you will give me a good day's tiger shooting." It was as matter of laughing between us, and I took leave of him by saying, "Good night, Vizier Butt." That is as nearly as I can say all that passed between us.

2637. Did he tell you he was to be paid for going?—I do not recollect that he mentioned any particular sum of money; I do not recollect the words he used, but he represented that it was a thing for which he was to be paid, and it was in reference to that he said, as a professional man, he could not leave without, and he certainly pointed to its being a large remuneration.

Thomas Knox Holmes, Esq., called in; and Examined.

T. K. Holmes, Esq.

2638. Mr. Serjeant *Deasy*.] HAVE you got any statement in writing from the petitioner respecting this case?—None whatever.

2639. Did you take down yourself in writing the particulars of any statement which he made?—I did.

2640. Have you got it?—I have not.

2641. Where is it?—The whole of the documents were returned to Mr. Coffey before this Committee met.

2642. Including that statement?—Including that; I believe one copy was furnished to Mr. Roebuck; I believe so; it was given by me for the purpose of reaching Mr. Roebuck's hands; whether it did or not, to my own knowledge I cannot say

[*A document produced by Mr. Roebuck was put into the Witness's hand.*]

2643. *Chairman*.] Is that the document?—Yes; there is some writing on this which is not mine, which has been added since.

2644. In the margin?—In the margin.

2645. The body of that document is the same?—Yes.

2646. Mr. Serjeant *Kinglake*.] Look it all through?—(*The Witness inspected the document*)—I do not know anything of this; there has been something added since it was in my possession on the last page; on the back of the page, not on the front of it.

2647. Is all on the front of it yours?—Yes; it is in the draft.

2648. Except some remarks in the margin?—Yes; and that which is in a different handwriting.

2649. Mr. Serjeant *Deasy*.] You made that from a statement of the petitioner, as I understand?—Yes; it is perhaps right that I should state how I made that; the petitioner was not present at the time I wrote this down, but it was perused by him in my presence afterwards, and was corrected; that is the reason of the alterations.

2650. Mr. *Roebuck*.] Mr. Butt said that he knew that the statement made by Mr. Coffey was different from the statement that he had given to you; did you ever

ever inform him of that statement?—I never in my life, to my knowledge, ever spoke to Mr. Butt, except about a year and half or two years ago. I was in the Speaker's Room, searching for some precedents. I mean to say I do not know Mr. Butt.

2651. Is there anybody in your office, who, having had possession of that paper, could give Mr. Butt any information respecting it?—I do not believe there is anybody that could; at least, I should be most happy to have it traced that any document from my office could come into the hands of any other person than it was intended for.

2652. *Chairman.*] Neither directly nor indirectly had you yourself any communication with Mr. Butt?—Neither directly nor indirectly, nor any of his friends, in the fullest sense.

2653. Mr. *Bright.*] Is that document that has been put in a copy of one you received from Mr. Coffey?—I did not receive it.

2654. You stated that you had written down his narration, and he had afterwards perused it; therefore it becomes his document?—Yes.

2655. Did you write anything else down than he narrated to you?—Nothing whatsoever.

2656. Nothing affecting the investigation of this Committee or this petition has been put in writing by you from any statement of Mr. Coffey, except that paper which is now before the Committee?—None whatsoever. The way in which I drew that paper was this: the previous evening to the morning on which I drew it I examined Mr. Coffey upon the evidence he was to give. Of course, in taking down that, I did it shortly and concisely. The next morning I carried it out nearly, I think, as I had originally written it; thereupon, Mr. Coffey calling the next day, and perusing it, he stated that I had mistaken him in certain points, and the alterations in that are made in my own hand.

2657. All that took place before the petition was presented?—Yes, all that took place before the petition was presented.

2658. Mr. *Bouverie.*] That is the ordinary kind of examination for a brief?—Yes.

[*A Paper, headed "A Statement of Facts by Mr. Coffey," was read.*]

Vide Appendix.

2659. Mr. *Bright.*] Were these words "the end of the summer or the beginning of the autumn" struck out by Mr. Coffey, or have they been struck out since?—I recollect particularly that he desired me to take out those words. I think the actual date in June is added: it is not my handwriting; I believe it is a different handwriting; that was written from dictation by a clerk. I think the alteration is made in my own hand.

2660. *Chairman.*] Are these words "previous to the 23d of July" in your handwriting?—That is the clerk's; that is the original.

2661. Are these words "to press" in your handwriting?—That is the handwriting of the clerk.

2662. It is your alteration?—Yes.

2663. The words "Persian sentence upon the cheque" are struck out?—I can give a reason why they were struck out.

2664. They were struck out by you?—Yes.

2665. Here is an alteration, "Mr. Irwin" is inserted: it was put originally "private Secretary to Mr. Butt," which is struck out; then it is put "Mr. B.'s Secretary"?—Yes.

2666. "In consequence of this demand on the 22d of August;" is that your writing?—Yes.

2667. Mr. Serjeant *Deasy.*] When did you become first concerned for the petitioner?—I believe on Saturday fortnight.

2668. Mr. *Bright.*] Last Saturday?—Yes, last Saturday fortnight.

2669. Mr. Serjeant *Deasy.*] When did you cease to be concerned for him?—After Mr. Coffey called upon me in the morning that evidence was read over to him, and I handed over all the papers to Mr. Coffey; and the reason that I did hand them over was not from Mr. Coffey, but there seemed to be a surmise that I was in some way communicating with Mr. Butt; that was the impression upon my mind. I cannot bring the charge home to anybody. I am obliged to Mr. Roebuck for having put the question to me to-day. I have ceased to be employed.

T. K. Holmes, Esq.

2 March 1858.

2670. You see the reference to what are called the Turban lands in that document; did you take that from the petitioner?—All that is stated there I took from the petitioner.

Mr. *Alexander Anderson*, called in; and Examined.

Mr. *A. Anderson.*

2671. *Chairman.*] YOU are an Officer of the Mercantile Bank of India, London, and China, are you not?—I am.

2672. What is your position there?—I am the manager.

2673. You were asked to bring with you any entries in any book or any memorandum, in the possession of yourself or of the company, relating to a cheque for 300 *l.* drawn in favour of Mr. Butt on the 12th of August 1857; have you complied with that requisition?—I have. The only memorandum with reference to that cheque which we have in the bank is a copy of Ali Moorad's cash account, in which an entry is made for the payment of the amount you state, of 300 *l.* I have brought a copy of that account with me, being the only document of any kind which is in the possession of the bank upon the subject.

2674. Is there in that account any entry distinguishing a crossed cheque from another cheque?—No.

2675. Are you yourself aware, or by inquiries have you been made aware, that the cheque in question was a crossed cheque or not?—I wish to explain to you that the cheque in question was a cheque drawn upon the bank; it was not a sum of money paid by our cheque upon the London Joint Stock Bank, but it was a draft passed upon ourselves, and was paid in money at the bank, in bank notes and gold.

2676. Was the crossing upon it invalidated by that circumstance?—It was not crossed; it was a draft drawn by Ali Moorad. If I am right in the amount, the only amount that we have paid of 300 *l.* was a draft drawn by Ali Moorad amongst a number of others for his own uses, upon a sum of money that we had in deposit in the bank, for 300 *l.*, in a form of our own, upon the Mercantile Bank of India, London, and China; and that draft was paid by us, when presented, in bank notes and gold.

2677. But, in point of fact, was it crossed or not?—It was not.

2678. How do you know that it was not crossed; you did not cash it?—It was cashed in our office.

2679. Not having seen the cheque, how do you know it was not crossed?—I am assuming, if it had been crossed, that we should have entered the names of the bankers to whom it was paid.

2680. Mr. *Bouverie.*] Your inference that it was not a crossed cheque is because it was paid over your counter?—Exactly; and that no notice was taken of any such payment to any bank.

2681. *Chairman.*] Where is the cheque?—The cheque has been sent back to Bombay, to the Ameer, as a voucher for the charges made in our account.

2682. Do you know Mr. Irwin?—By sight, I do.

2683. It is stated that Mr. Irwin, whom you know by sight, went down to the bank with the cheque in question, on the 12th of August, and that he "stated to the cashier that that 300 *l.* cheque was crossed by mistake, and that he should be very much obliged to him if he would give him the money. The clerk looked at the cheque and said, 'It is crossed.' He said, 'Oh, yes, I know that, but it can be arranged.' The clerk who took the cheque went upstairs, I infer to the Directors' room, and remained away 10 minutes, and he came down stairs again where we were, into the banking-room, took the cheque and wrote something in a book, and then entered the cheque in the regular cash-book." That is the statement made to us by the gentleman who filled in the cheque, and who crossed it?—We have no office downstairs at all: therefore that statement must be incorrect, in so far as regards the man going upstairs; the office of the bank is on one side of the passage, and my office (there is no director in the bank except upon Board days) as manager is on the opposite side; therefore any reference would have been made from one room to the other at once; there could have been no going upstairs and going downstairs to refer any question; it is impossible.

2684. Abating the circumstance of going upstairs and going to another room,

was

was any reference made to you?—No reference of any kind whatsoever was made to me, to the best of my knowledge.

2685. Mr. *Roebuck.*] Were you in England at that time, the 12th of August?—No, I was not.

2686. *Chairman.*] Have you made inquiries among your clerks whether they have any recollection of such a transaction?—I have.

2687. What is the result of your inquiries?—They have no recollection of it.

2688. Mr. *Bouverie.*] What is the entry in the account of that cheque for 300 *l.*?—The entry in the account is merely a payment to "Butt." The name to which the cheque is filled is invariably entered.

2689. The drawee of the cheque?—The drawee of the cheque.

2690. Mr. Serjeant *Kinglake.*] From the entry, can you tell in what money it was paid, whether notes or gold?—No.

2691. Mr. *Roebuck.*] Do not you in your bank take the number of the notes which are paid for a cheque?—We take the number of the notes at the back of the cheque. I may tell you that we are not a bank of payment, like London bankers. These are very exceptional cases; when parties coming from India happen to have money in deposit with us for a short time till they make other arrangements. We do not profess to be bankers. This is one of those exceptional cases where the Ameer had a certain sum of money lying in our hands which was left to be drawn upon.

2692. *Chairman.*] Wherein is the difference between the circumstances just detailed by you and customers who have deposit accounts with a bank, the drafts of whom are not honoured when crossed, except by peculiar consent?—No difference. I am stating that we are not a bank of deposit at all; allowing persons to leave money and to draw it in this way is not a matter of business with us at all; therefore we are not provided with all those special rules for the payment of cheques that London bankers would be. The very few transactions that we have of the kind are done in this way. A cheque is presented for 100 *l.* or 200 *l.*, as the case may be, and the amount in notes and gold is endorsed upon the back of the cheque, and the person who pays the cheque signs his name to those returns. In this case, after some few months, all the cheques being vouchers for Ali Moorad's account, a copy of which I hold in my hand, were forwarded to Bombay, and we have not the means therefore of ascertaining what the numbers of the notes were or who paid the cheques.

2693. Mr. Serjeant *Kinglake.*] I understand that yours is not a deposit bank; you have particular special deposits, and you give credit to cheques to that amount?—In particular cases.

2694. Mr. Serjeant *Deasy.*] As I understand you, there is an entry in that account that the amount of that cheque was paid to Mr. Butt?—The entry runs thus: "On the 12th of August, Butt, 300 *l.*" I presume from that, that a draft was passed upon us by the Ameer Ali Moorad, which was paid at the bank on that day, and that it was filled up to the name of Mr. Butt; but whether Mr. Butt presented it, or who presented it, or in what monies it was paid, we took no cognizance.

2695. Mr. *Roebuck.*] If that had been a crossed cheque, would not there have been a different entry in your books?—I assume, it it had been a crossed cheque, we should have put down the banker's name through whom it was presented.

2696. If it had been paid over the counter, and not through the bank as a crossed cheque usually is, would you have put any remark in your books?—If such a thing had occurred, we might possibly have put it down. I suppose we should have put the person who was entered in the cheque as the drawee. Those are things that never occur with us.

2697. You cannot say whether the cheque was crossed or not?—No.

2698. Therefore your statement that the cheque was not crossed is a hazardous statement?—It is an assumption from the entry.

2699. Have you no ledger or other book in which there is a statement of the way in which cheques are paid?—No.

2700. Have you no ledger which contains this remark, "Paid out of course"?—Certainly not.

2701. No person, you believe, can possibly have seen such a book?—No.

2702. Mr. *Bouverie.*] Are bills upon India foreign bills or domestic bills?—Foreign bills.

Mr. *A. Anderson.*

2 March 1858.

2703. What is the current course of exchange with respect to Bombay; is it in favour of this country or against it? Are bills of exchange upon Bombay at a premium or a discount?—Generally against Bombay.

2704. *Chairman.*] What was it in August 1857?—About one per cent. against Bombay; bills at 60 days' sight are the usual currency; of course the rate of the bill would vary with the date at which it was drawn; a bill at 60 days and a bill at sight would be a difference generally of from 1½ to 2 per cent.

2705. Colonel *Wilson Patten.*] What would be the highest?—I think the highest during all last year was two per cent. against Bombay at 60 days, or about par at sight, giving 2 *s.* for the rupee.

2706. *Chairman.*] What would be the discount upon 2,000 *l.*; 20,000 rupees?—By that estimate you should receive nearly 2,000 *l.*, less the stamp; if it is at par you would receive exactly 2,000 *l.*

2707. The difference would be nothing like 300 *l.*?—No, nothing like it.

Isaac Butt, Esquire, a Member of the House, further Examined.

I. Butt, Esq., M.P.

2708. Mr. Serjeant *Deasy.*] JUST understand me as wishing you to confine yourself, in your answer to those portions of the conversation which relate to the pecuniary charge against Mr. Edward Coffey; do you recollect what it was you said to Mr. James Coffey respecting any explanation of yours to the Board of Control, or to any officer, or Minister there?—I cannot say that I have a very perfect recollection of our conversation altogether; but of this I am perfectly certain, that I did say to Mr. James Coffey, that I thought that I had taken steps which prevented that memorandum of Ali Ackbar's having the slightest weight at the Board of Control against his brother.

2709. Did you tell him that you had stated to Mr. Vernon Smith that you had received these sums of 2,000 *l.* and 300 *l.*?—No, certainly not; nor did I use the name of Mr. Vernon Smith. I used the name of the Board of Control, and I told him that that memorandum of Ali Ackbar's need not trouble him. I also said to him that I thought there was a better way of refuting it, which was this; I had the Ameer's authority that he and I should settle his brother's accounts, and when we went through those accounts and settled them, it would be very easy for us both to write jointly, or for me to write to the Board of Control, and give the true result of our joint examination. I certainly did not go beyond that, according to my recollection of the conversation. I am sure of it, however he understood it, which is borne out by my own statement of what passed between me and Sir George Clerk, because I have Sir George Clerk's distinct statement that it was of no weight.

LIST OF APPENDIX.

Appendix, No. 1.

Letter from Mr. E. L. Coffey to I. Butt, Esq., M.P., dated 22 September 1857 - - p. 1
Letter from I. Butt, Esq., to — Coffey, Esq., dated 3 October 1857 - - - - p. 1
(1.) Letter from Sir George Clerk, dated 14 September 1857, enclosing Telegram, &c. p. 3
(2.) Copy of Telegram from Sir H. Seymour, dated 8 September - - - - p. 3
(3.) Translation of Ameer's Persian Letter - - - - - - - - - p. 3
(4.) Copy of Mr. Coffey's Statement; Memorandum relating to Interview at Embassy at Vienna, dated 26 September 1857 - - - - - - - - - p. 4
Letter and Stamps handed in by Mr. E. L. Coffey, 23 February 1858 - - - - p. 4

Appendix, No. 2.

Letter from Mr. E. L. Coffey to I. Butt, Esq., M.P., dated 15 September 1857 - - p. 5
Telegraphic Message - - - - - - - - - - - - - - - p. 5
Letter from Mr. E. L. Coffey to I. Butt, Esq., M.P. - - - - - - - - - p. 5
Letter from H. Elliot, Esq., to G. T. Coffey, Esq., dated 5 October 1857 - - - p. 5
Minute of Information given to the British Embassy at Vienna, by Mr. Coffey, on the 8th of September - - - - - - - - - - - - - - - - p. 6
Memorandum, dated 4 October 1857, signed Henry Elliot - - - - - - p. 6
Letter from G. W. Seymour, Esq., to I. Butt, Esq., M.P., dated 14 October 1857 - - p. 6
Letter from G. W. Seymour, Esq., dated 5 October 1857 - - - - - - - - p. 6
Memorandum, dated 13 October 1857, signed G. T. Gould - - - - - - p. 6
Memorandum, dated 26 September 1857, signed Edward Lees Coffey - - - - p. 7
Letter, signed J. C. - - - - - - - - - - - - - - - p. 7

Appendix, No. 3.

Letters written to the Board of Control by Edward Lees Coffey, on the 23d of November 1857, the 12th of December 1857, and the 2d of January 1858, together with the Answers - p. 7

Appendix, No. 4.

Letter from I. Butt, Esq., M.P., to Mrs. Parr, dated 13 February 1858 - - - - p. 13
Letter from H. Elliot, Esq., to Mrs. Parr, dated 30 November 1857 - - - - p. 13
Letter from G. H. Seymour, Esq., to Mrs. Parr, dated 1 December 1857 - - - p. 13
Letter from H. Elliot, Esq., to Mrs. Parr, dated 22 December 1857 - - - - p. 14
Letter from G. C. Vernon, Esq., to Mrs. Parr, dated 19 November 1857 - - - p. 14
Ditto - - - - - - ditto - - - - - - 25 November 1857 - - - p. 14

Appendix, No. 5.

Letter from I. Butt, Esq., M.P., to J. Coffey, Esq. - - - - - - - - p. 15
Letter from R. D. Mangles, Esq., M.P., to I. Butt, Esq., M.P., dated 22 May 1857 - - p. 15
Docket for Conference; Fee paid to I. Butt, Esq., Q.C. - - - - - - - - p. 15
Letter from David Coffey, Esq., to I. Butt, Esq., M.P., dated 20 February 1858 - - p. 16
Letter from J. C. Coffey, Esq., to I. Butt, Esq., M.P., dated 20 February 1858 - - p. 16
Letter from Sir J. C. Melvill to his Highness the Ameer Ali Moorad Khan Behadoor, dated August 1857 - - - - - - - - - - - - - - - p. 16

Appendix, No. 6.

Letter from Sir G. Clerk to I. Butt, Esq., M.P., dated 14 September 1857 (transmitting Memorandum) - - - - - - - - - - - - - - - p. 17

Appendix, No. 7.

Letter from I. Butt, Esq., M.P., to J. A. Roebuck, Esq., M.P. - - - - - p. 17
Letter from I. Butt, Esq., M.P., to J. A. Roebuck, Esq., M.P. - - - - - p. 18
Extract from a Letter from Messrs. Fox, of Dublin, dated 26 June 1857 - - - - p. 18
Letter from Sir G. Clerk to his Highness Meer Ali Moorad, dated 9 October 1857 - - p. 19
Letter from Sir G. Clerk to the Right Hon. E. P. Bouverie, M.P. - - - - - p. 19
Memorandum by Akbar Allee - - - - - - - - - - - - p. 19

Appendix, No. 8.

Letter from Mr. J. Van Irwin to Mr. Coffey - - - - - - - - - p. 20

Appendix, No. 9.

Statement of Facts by Mr. Coffey, in support of the Allegations contained in the Petition to the House of Commons, signed by him, and to be presented by Mr. Roebuck, M.P. - - p. 20

Appendix, No. 10.

Letter from the Right Hon. R. Vernon Smith to the Right Hon. Sir J. Graham, Chairman, dated 3 March 1858 - - - - - - - - - - - - - - p. 21
Letter from Edwin James, Esq., to Mrs. Parr, dated 1 March - - - - - - p. 22

Appendix, No. 11.

Letter from H. Elliot, Esq., to the Right Hon. Sir James Graham, Chairman, dated 2 March 1858 - - - - - - - - - - - - - - - - p. 23

APPENDIX.

Appendix, No. 1.

My dear Butt, Trieste, 22d September 1857.

Appendix, No. 1.

The Ameer desires me to acknowledge the receipt of your telegraph now to hand from Cologne, and to say how much obliged he feels for all your exertions on his account. As yet we have had no proper news from London about the Ameer's business, and of course I need not tell you how anxious we feel about it, and how eagerly the Ameer awaits your coming. You must leave Vienna by the express train on Friday, if you want to get here in proper time for the steamer, which will sail early on Sunday.

Ever yours faithfully,

E. L. Coffey.

The Ameer has added a P. S. to the same effect, and in answer to your telegraph, in his own handwriting.

In Persian character; not printed.

P.P.S.—If Irvine can get a few good cigars in Vienna, bring them; there is not one to be had here to save your soul.

(*Confidential.*)

My dear Coffey, Trieste, Oct. 3, 1857.

It is with the deepest pain that I write to you the marvellous history of the events that have brought me here; the best way I can do it is to tell you them in the order in which they came to my knowledge.

When I got to London I found by the Times, that the Ameer only got to Vienna on the 7th September; this of course fully confirmed my conjectures about his leaving Paris.

On the 14th I happened to call on Vernon Smith on a totally different matter. He told me he had just sent me an official letter, and then mentioned its contents; you will know them by reading documents 1 and 2, which I enclose.

He told me that he attached no credit whatever to the information; that he had deemed it to be disingenuous, but that as he and I placed confidence in your brother, he could not know of this without placing it in my hands. This is the outline of a conversation the details of which I will fill up when we meet.

The other document mentioned in Sir George Clarke's letter is a memorandum (I know left by Ali Ackbar), representing that your brother had got money from the Ameer, which he did not account for, and requesting that Freere might see the Ameer righted. This was treated as a mere piece of spite until the astounding telegram came from Vienna.

I need not tell you in what position this placed me, especially on the communication to me *was a formal official one.* Vernon Smith and I both agreed that had the communication been made to Lord Elphinstone at Bombay, he would, in the present state of India, have imprisoned the Ameer; the consequences of this might have been the utter destruction of himself and family.

I then believed the Ameer had gone from this on the 10th. I had, at first, no one to consult but Captain Langly; I thought of telegraphing for you, but I felt it unfair to make you a party to councils which in all probability be directed against your brother. Irwin was summoned by telegraph, and came. I have latterly a friend in London whom I could consult, a Dublin man. I had almost made up my mind to send Irwin out to India, but the difficulty was, that if the Ameer first knew of this in his own territory, no one could answer for the consequences to your brother. It was a great relief when informed by the Dublin telegraph that the Ameer was still at Trieste. I resolved to come out here myself. I brought Langly with me to interpret, and Irwin. I did all this with the most cordial approbation of Vernon Smith; he gave me permission to use the official documents as I might see fit, and also gave me a letter to Sir Hamilton Seymour.

In the order of events, I ought to mention, that before we left London, we ascertained *beyond a doubt* that the Ameer had written from Paris to Ali Ackbar a letter, in which he called your brother a "Ben Shetan," that is, a son of Satan, and asked Ali Ackbar to send

Appendix, No. 1.

him 200*l.*; Ali Ackbar got this at the Ameer's bank, and sent it; the bank also sent 200*l.* more in reply to a telegraph from your brother at Vienna.

We now know that it was not only possible, but easy for the Ameer, leaving London on Saturday, to get here in time for Thursday's boat, *but his going to Paris made it impossible.* They remained in Paris until the 27th, the very day they ought to have been here. You remember the letter to me, dated Monday, en route to Frankfort, but posted in Paris on Thursday; but the main fact of going to Paris proved beyond a doubt that your brother had not the slightest intention of going out to India by that mail.

We then left London Sunday night; I telegraphed to the Ameer from Cologne on Monday, to say I was coming. We got to Vienna on Thursday morning, having stopped at Dresden. I then got a few lines from your brother, to which the Ameer added a few in Persian, of which I send you a translation (No. 3).

In Vienna I saw both Sir H. Seymour and Mr. Irwin, the Secretary of Legation. When I first called, Sir H. Seymour was not there. Mr. Irwin gave me the whole history; I questioned him could there be a mistake; he said impossible. I asked him was it incidentally in conversation; he said no; that Mr. Coffey formally came to give the information. Sir H. Seymour expressed himself very strongly as to the matter. He said he was bound to send on the information, and that had he been sending it not by telegraph, but in a despatch, he would have expressed an opinion that it was entirely to be disregarded. He gave me a letter to Consul Rouen here, to do anything for me I wished.

On Friday night we arrived here. On Saturday morning, before I went to the Ameer, I saw your brother alone; I upbraided him with having deceived me; I told him he was in a scrape, and I begged of him for God's sake, at the last moment, to deal with perfect candour with me, and all might yet be well; I then asked of him to tell me everything of moment that had passed since he left England. He gave me an account, in which it is right to say he omitted all notice of his visit to the Embassy. I told him he was concealing something; I asked him to say, on the honour of a gentleman, that he had kept back nothing. He solemnly assured me he had not. I asked him had nothing taken place at Vienna; he pledged me his word not. I then told him I had been with Sir H. Seymour; he said he had not seen him. This was true. I then produced the copy of the telegram; I told him I had now no choice but to tell it to the Ameer. Langly, in the presence of us all, translated for the Ameer all the documents. Your brother said he gave the statement of the telegram the most unequivocal denial; he said it was a concoction of the Embassy. You may imagine the scene: the Ameer's eyes flashed fire; he said he would go instantly to London, and find out whether Sir H. Seymour or Mr. Coffey was the liar. I need not fill up details; I had no choice but to tell the Ameer that to permit your brother to accompany him to India would be to give his assent to the charge. The Ameer asked Van Irwin to go with him. Van at first refused, unless Langly went to interpret; Langly refused. Van agreed to go alone; but on Sunday informed no arrangements made, no money forthcoming, and at last we were obliged to abandon the idea.

On Sunday morning your brother gave me the written statement of his version of what passed at the Embassy. I send you a copy (No. 4); the original I have sent officially to the Board of Control. I am remaining here to see that he goes by the mail of this day week. We have had to write to London for money, and are hourly expecting a telegraphic reply. If there is any disappointment, then I have no doubt that my credentials to the Consul will enable me to raise enough here to send him on.

After a week of the most painful interviews, your brother finally left us yesterday, and went to Venice. Van Irwin and Langly both go on with Ali Morad.

We had yesterday an attempt to settle matters as to the money promised to your brother, 3,000*l.*, of which he had got 1,000*l.* The Ameer offered to write a letter, leaving the settlement of accounts to you and me; that if Mr. Coffey had spent, as he said, more money than he got, he would send it to him instantly on our writing to that effect, and that if Mr. Coffey had money in his hands, he should pay it.

As to the 2,000*l.*, he read his Persian letter of agreement with your brother, and showed that the money was to be paid only if Mr. Coffey faithfully served him. He said he had no right to the money, but as a gift he would still give it to him *when his lands were restored.* Your brother insisted that it ought to be paid at once; I pointed out that the original agreement was unconditional, but he repeated that the want of fidelity cancelled it; that Mr. Coffey's conduct might prevent his getting his lands, and that if so, it would be very hard he should pay him. I could not press him further, and no arrangement was made.

This morning the Ameer sent for me, and told me that whatever your brother had done he pitied him; that 2,000*l.* was no great object to him, and that he would do in it as I thought right. This was entirely voluntary on his part.

Van Irwin, who has throughout maintained friendly relations with your brother, can communicate this to him.

You must regard this as an imperfect sketch of proceedings, the most marvellous in the records of human folly: every day disclosures were made to us that only rendered his whole conduct inexplicable; let one suffice:

The master of this hotel, a most respectable man, seeing one of the coloured servants come to me, took me aside, and asked me if I knew Mr. Coffey; they came first to this house, and, among other things, he told me in confidence that when they came on the evening of Friday the 11th he received the Ameer; that he found him expecting to go on board of the steamer for India, and that when he found it gone, his rage was fearful; that he then wanted to set off to Constantinople by another boat, but that Mr. Coffey begged of the hotel people not to let him know anything about the boats going.

I must

I must not conceal from you that among these disclosures were some which threw a miserable light upon this strange history: *they were made here.*

I will follow this letter very quickly; I should say there is no chance of my being detained here beyond Tuesday night. I may get away to-night, and as soon as I get to Dublin I will call on you.

As for the interests of all his friends, they were utterly lost sight of in the whirl into which he so recklessly flung those of the Ameer. Under existing circumstances I can ask the Ameer for nothing, and all arrangements for my going must stand over, I suppose, indefinitely, when Van Irwin goes without any stipulation.

I have pressed on Van Irwin to attend to your brother David's claim, and I have no doubt but it will be settled.

The delay has unquestionably injured his interests. We have some reason to believe that the information given by your brother actually stopped a despatch desiring his lands to be restored, prepared by the Board of Directors, and about to be submitted to the Board of Control. I will ascertain this on my return to London; but I am quite satisfied that if I had not come out here, it might have ended in his utter ruin.

Your brother has most recklessly thrown away his own fortune; but all I can do to preserve him something from its wreck I will do.

I have no doubt that, in spite of all this, the Ameer will get his lands and a large sum of money for the forts. I wish I was in a position to go out to India with him; he implored of me to do so; and told me, whatever I asked should be mine. Great things are before him if he is well managed.

I will not be surprised if, on his arrival in Bombay, all arrangements are made for my going; if so, I will go at once.

The Ameer complained furiously of your brother's conduct, ever since they left London; of his taking him to Paris, keeping him there, and insulting him when he remonstrated; he said he could have killed him. At one time we thought he was getting up for his scimitar to cut off his head.

Yours, sincerely,
J. B.

No. 1.

LETTER from Sir *George Clerk*, enclosing Telegram, &c.

Dear Sir, India Board, 14 September 1857.

I AM directed by the Commissioners for the Affairs of India to transmit to you a copy of a memorandum which has been submitted respecting Meer Ali Morad and Mr. Coffey, and a telegram received from Vienna relating to the same subject, for your private information.

I have, &c.
(signed) *George Clerk.*

No. 2.

COPY Telegram from Sir *H. Seymour.*

Vienna, 8 September, 6.30 p.m.

Meer Ali, of Khyrpore, and his conductor, Mr. Coffey, are here, about to embark at Trieste for India, on Thursday afternoon.

Coffey says that the Prince is angry at the neglect of some claim, and believes that on reaching Scinde he is likely to join whichever side appears the strongest.

If it be thought desirable, Coffey offers to induce the Prince to defer his journey.

In this case instructions to that (effect?) should be sent to Consul Raven direct from London.

No. 3.

TRANSLATION of Ameer's Persian Letter.

My beneficent Sir,

AFTER compliments. Be it known to you, that Mr. Coffey having brought me to this strange land, has kept me here for 15 days; if not, I had by this time been far on my way, but each day he makes excuses and tricks regarding my going. What can I write, and what more can I say? To-day he has suddenly told me that you have arrived in Vienna, by hearing which I am infinitely rejoiced. Do kindly come speedily and release me from these troubles, which are like imprisonment. What more can I write? This kind of trouble in a strange land, and without any advantage to make such delays, was not acting the part of a true friend. By all means come speedily. My salaams to Mr. Irwin.

Appendix, No. 1.

No. 4.

Copy of Mr. *Coffey*'s Statement.

Memorandum relating to Interview at Embassy, *Vienna.*

Perceiving by the "Times" newspaper, which reached Vienna when I was about departing for Trieste, that the Coldstream Guards had embarked from Woolwich for India, I directly conjectured affairs in India were in a more precarious state than when we left London, and considered it was only discreet on my part, before proceeding further, to discover from the British representatives at Vienna the state of affairs in the Presidency to which I was going.

My conversation was to this effect:—I perceive the guards have been ordered out to India, and as this portends a gloomy state of affairs, and as I had no information of the state of things since leaving London, I would be glad to know in what state the Bombay Presidency is, as in the event of its being disaffected, our presence at the moment might embarrass the Government, and if so (*i. e.* if *Sir* had news to that effect), I was perfectly at his order to remain or return; in fact, to act as Sir H. Seymour might suggest. Not that I had any doubts of the Ameer's loyalty and wish to serve and uphold the English Government; but not being aware how the rebellion progressed, so far as Bombay was concerned, I was most anxious to consult one in our Ambassador's position; and my consulting him as to remaining or going was certainly and distinctly only in reference to any news he might have as to the state of India. Had I the means of acquiring the information at Vienna otherwise, a reference to the Ambassador would not have been necessary. So far as the Ameer was concerned, I never heard him give utterance to a single sentence at variance to the wish of any one of Her Majesty's most devoted and loyal subjects, and I do firmly believe his Highness is most willing and anxious to aid the English Government with all the resources of his country. I should say that I mentioned at the Embassy, that the Ameer always felt sore at, and could not understand, the reason of his not having been presented at the English Court; but, nevertheless, his attachment and fidelity to the Queen was undoubted.

* *Sic.*

Edward Lees Coffey.

Trieste, 26 September 1857.

Letter and Stamps handed in by *E. L. Coffey*, 23d February 1858.

My dear Edward, Saturday evening.

I enclose you the bill which you forgot, and would also send you the money, but Shaw tells me that I would run a risk in sending notes, and not to do so, as you can get your own draft cashed at your hotel where you have been before; under these circumstances you will say I was right. Millar says that the dilapidations are increased since he went through the house, and I must settle with him on Monday, after which I will leave for Dublin, not having money or inclination to remain here, and indeed I know not how to face Dublin after a fortnight's residence in London, and now returning with my finger in my mouth; indeed, I feel very deeply at the result things have come to; Irwin, too, feels much; in fact, all you left behind seem to think that they have shared badly. In conclusion, my dear Edward, I beg of you to send Butt the bills, otherwise he will not go out; as for myself, I am done with the subject. God send you a safe and prosperous journey, and I can sincerely hope we may soon again meet and chat over our losses, &c., for it is pleasant to have you at one's side, if it was only to abuse you. I could not get near you when starting to shake hands, but I hope soon to be able to greet you on your return.

I am, &c.

David Coffey.

Addressed,—Edward Lees Coffey,
Hotel des Deux Mondes,
8, Rue Danton, Paris.

Three stamps enclosed.

One, bill or note - - 10 *s.*, endorsed in pencil, "Butt, 1,000 *l.*, at sight."
One, bill or note - - 1 *l.* - ditto - ditto - "Butt, 2,000 *l.*, 4 months."
One, bill or note - - 2*l.* 5*s.* ditto - ditto - "Butt, 5,000 *l.*, 6 months."

Appendix, No. 2.

My dear Butt, Trieste, 15 September 1857.

WE were greatly disappointed at not having letters from you at Paris, the Ameer felt so sore about it. We then pushed on to this place in the hope of hearing from you here, and to catch the steamer, in both of which we failed. We are now detained until the 27th; and to-day the Ameer desired me to telegraph you to come on, as also to write to you, begging of you, in the name of God, to join him here along with Irvine. He has made all arrangements, so far as you are concerned, about the cash, which will be paid you in one lump on arrival at Bombay, and before you proceed a single step in the business. I hope you will not fail us at this pinch of the business. To-day I have secured yours and Irvine's passage from hence with us by the steamer of the 27th. Should you not be able to reach in time you can catch the Marseilles steamer to Alexandria, where we will meet you, and proceed all together, but, if possible, we would wish this route. I trust sincerely you will not hesitate to take this step, as, believe me, I should not write unless fully satisfied that all was clear. I do so with much more confidence since receiving David's telegraph, in which he states the Turban lands are all restored, as also the money. I am anxiously looking out for your telegraph in answer to mine of this morning.

Appendix, No. 2.

Very sincerely yours,

J. Butt, Esq., M.P. *Ed. Lees Coffey.*

TELEGRAPHIC Message.

THE following message forwarded from Trieste station, and received at Dublin station, September 15, 1857, from —— Coffey to —— Butt, M.P., Leeson-street, Dublin :—

"Ameer waits until 27. Passage taken from here with us: cash safe. Reight come with Irvine. Do not hesitate; no delays. Reply telegraph."

B. Dunn, Clerk.

My dear Butt, Monday, en route to Frankfort.

THE Ameer is dreadfully uneasy at not having heard from you about the promised despatch to India. He is in very low spirits; I do all in my power to rally him, but without effect. We are pushing on very rapidly, and hope to reach Vienna to-morrow evening. I must see to all arrangements at Trieste, where we all hope to have letters from you, containing some news from the Board of Control, as also the letter from yourself to the Ameer, which he was to show to Frere, at Kurrachee. The Ameer also desired me remind you of your promise to get him a letter from Vernon Smith to the Governor of Bombay, asking the latter to see and receive him with the honours due to his rank. I will write very fully to you from Trieste on all points.

Ever yours faithfully,

Edw. Lees Coffey.

(Addressed)

Isaac Butt, Esq., M P.,

17, St. Jame's Place,

St. James's,

London.

Sir, Vienna, Oct. 5, 1857.

MR. IRVINE has communicated to me your letter of the 28th of September, enclosing a memorandum of your recollections of what passed at an interview with him at Vienna, and inquiring if he also considered that this statement contains the substance of your communication. As Mr. Irvine informs me that it was not with him that you had an interview, I imagine you may allude to what passed when I called upon you at your hotel; but, if this supposition is correct, I have to state in reply that, so far from being able to corroborate the statement you enclose, my recollections of what fell from you on that occasion are of a totally different nature.

I have the honour to be, Sir,

Your most obedient servant,

Henry Elliot,

G. T. Coffey, Esq. Sec. of H.M. Legation.

Appendix, No. 2.

MINUTE of Information given to the British Embassy at *Vienna*, by Mr. *Coffey*, on the 8th of September.

Mr. Coffey called at the British Embassy, and stated that his Highness the Ameer of Khyrpoor was then in that city on his way to Trieste, where he was about to embark for Bombay on the following Thursday.

He also stated that the Prince was in a great state of exasperation at the neglect of his claims by the English Government, and that Mr. Coffey's opinion was, that on reaching India, he would join whichever side would seem the strongest.

Mr. Coffey offers, if thought advisable, to induce the Prince to delay his journey to Bombay.

MEMORANDUM.

I SAW Mr. Coffey at his hotel on the September, when, in a manner which made any mistake upon the subject impossible, he conveyed to me his impression that the fidelity of the Ameer was not to be depended upon.

I then asked him plainly whether he believed that the Prince intended to join the insurgents; to which he replied nearly in the following words:—"I don't say that I believe him to have come to any such determination. But you know what these Asiatics are. The Prince considers himself (and with undoubted reason) to have been very ill used by the British Government or the East India Company; and my belief is, that on arriving in Scinde he will join whichever party he considers the strongest."

Mr. Coffey then went on to say, that it seemed very questionable whether it was prudent to allow the Prince to go to India in this frame of mind; and Mrs. Coffey, who took her share in the conversation, repeated twice over that Sir A. Cockburn had said, that permitting him to do so was an act of absolute madness; and in this opinion they both appeared fully to coincide.

Mr. Coffey concluded by offering to detain the Ameer if he received any hint that such a proceeding would be considered desirable, and he even undertook to carry him back to England if it should be thought best.

Henry Elliot.

4 October 1857.

Dear Sir, Vienna, 14 October 1857.

THE case as regards Mr. Coffey is so clear a one that I should have thought all further explanation unnecessary; however, by way of making sure doubly sure, I beg to enclose you a short statement drawn up by Mr. Gould, one of the attachés of the Mission.

I remain, dear Sir,
Very faithfully yours,
G. W. Seymour.

Isaac Butt, Esq., M.P.

Dear Sir, Vienna, 5 October 1857.

I HAVE the satisfaction of enclosing to you a short statement, which will I think set all your doubts at rest. It is the better calculated to do so, as I have no hesitation in saying that I should prefer Mr. Elliot's recollection of an event or a conversation to my own. No man is more exact and more guarded in his statements, and his memory is singularly faithful.

I am afraid that Mr. Coffey cannot escape from the dilemma either of being a very incorrect reporter, or having a most defective memory.

Mr. Elliot's conversation with Mr. C. took place not at the Mission, but at the hotel.

I remain, dear Sir,
Very faithfully yours,
G. W. Seymour.

Mr. Coffey having called at the Legation, stated to me that he was travelling with an Indian Prince, who had been to England for the purpose of pressing on the East India Company his claims to some territories, and that these claims not having been attended to, he was now on his way back to Scinde, in a frame of mind which made it extremely probable that on his arrival there he would espouse whichever side appeared to him the strongest. Mr. Coffey then proceeded to say, that he thought it highly imprudent to allow the Prince to return to India at the present crisis, and offered to take him back to England, should such a course be deemed advisable.

G. T. Gould,
(Attached to H. M. Legation).

Vienna, October 13, 1857.

Appendix, No. 2

MEMORANDUM relating to Interview at Embassy, Vienna.

PERCEIVING by the *Times* newspaper, which arrived at Vienna when I was about departing for India, that the Coldstream Guards had embarked from Woolwich for India, I directly conjectured affairs in India were in a more precarious state than when we left London, and considered it was only discreet on my part, before proceeding further, to discover from the British representatives at Vienna the state of affairs in the Presidency to which I was going. My conversation was to this effect: I perceive the Guards have been ordered out to India, and as this portends a gloomy state of affairs, and I have had no information of the state of things since leaving London, I would be glad to know in what state the Bombay Presidency is, as in the event of its being disaffected, our presence at the moment embarrass the Government, and if so (*i. e.* if Sir H. Seymour had news to that effect) I was perfectly at his order to remain or return, in fact to act as Sir H. Seymour would suggest: not that I had any doubt of the Ameer's loyalty and wish to uphold and serve the English Government; but not being aware how the rebellion progressed, so far as Bombay was concerned, I was most anxious to consult one in our Ambassador's position; and my consulting him as to remaining or going was certainly and distinctly only in reference to any news he had then as to the state of India: had I had the means of acquiring this information at Vienna otherwise, a reference to the Embassy would not have been necessary, because so far as the Ameer was concerned, I never heard him give utterance to one single sentence at any time at variance with the wish of any one of Her Majesty's most devoted and loyal subjects; and I do firmly believe his Highness is most anxious and willing to aid the English Government with all the resources of his country.

I should say that I mentioned at the Embassy that the Ameer always felt sore at, and could not understand the reason of, his not being presented at the English Court, but nevertheless his attachment and fidelity to the Queen was undoubted.

Edward Lees Coffey.

Trieste, 26 September 1857.

My dear Edward,

DAVID has shown me your note from the S. Club. The copy of B.'s letter now sent must be regarded by you as entirely confidential, and not used. It shows you so far how the case stands, but I regret to add it is in reality immeasurably stronger against you. I saw two documents written by two attachés of the Embassy; they concur in the statement which occasioned the telegraph, and in addition mention that Mrs. Coffey took her full share in the conversation, and added that she stated Sir Alexander Cockburn entertained a similar opinion, quoting her (the *soi disant* Mrs. C.'s) actual words. Sir H. Seymour states he took pains to investigate the matter, and refers to the language of Mrs. C., used by her. I have no difficulty in now knowing who this person is, and I trace your position directly to her agency. I see nothing for it but to work through Irwin and Butt to get you the best terms possible, but as to getting the compensation desired, I believe it to be entirely hopeless; and if it be shown that you brought out that woman as your wife, you will make the matter infinitely worse; it will be stirring dirty water.

Yours,
J. C.

Appendix, No. 3.

Appendix, No. 3.

LETTERS written to the Board of Control by *Edward Lees Coffey*, on the 23d of November 1857, the 12th of December 1857, and the 2d of January 1858, together with the Answer.

THE letters from Mr. Coffey, of the 25th of November 1857, and the 12th of December 1857, with a copy of the replies thereto, are sent herewith. The letter of the 2d of January 1858 is not on record at the India Board.

(signed) *George Clerk.*

India Board,
24 February 1858.

To the Right Honourable *Vernon Smith*, M.P., President of the Board of Control,
&c. &c. &c.

Sir,

I BEG leave to lay before you the following statement of facts relative to my conduct in connexion with his Highness Meer Alli Morad Khan Talpoor, of Khyerpoor, in Scinde,

Appendix, No. 3.

and also with regard to my dismissal from his service. I feel assured, from the courtesy which I have already experienced at your hands, in your official capacity as President of the Board of Control, that I may unhesitatingly claim your patient and attentive consideration for the ensuing detail of circumstances. It is right that I should state at the outset, that I will not advance one single assertion which I am not ready to support by incontrovertible testimony, where possible; or, where that may be impracticable, from the circumstances of the case, to verify my statement upon oath before any tribunal whatever. To myself, I feel it due to inform you that, in the year 1850, after several years' service in different branches of the Bombay army, I was appointed by the Bombay Government to the responsible office of Postmaster-general of Scinde. In that capacity I served for some years. In 1852, the Government of India determined on the annexation of Meer Alli Morad's territories, on the ground that he had some years previously been a party to the forgery of a portion of a treaty which he had concluded with one of his brothers. From my intimate acquaintance with the habits, feelings, and customs of the natives of that part of India, and also from my personal knowledge of his Highness Meer Alli Morad, I felt convinced that the Government had acted under a misconception of the true circumstances of the case. I therefore, at the Ameer's earnest solicitation, agreed to accompany him to England in the capacity of his secretary and confidential adviser, in order to prosecute his claims. This necessarily involved the resignation of my office as Postmaster-general in Scinde; but that step was taken by me, and I arrived here with his Highness early in the summer of 1856.

I need scarcely say that from the very first moment of my close connexion with his Highness, I felt most deeply the very delicate position in which he was placed, and the paramount necessity that existed for the utmost caution to be exercised by myself in either advising, directing, or sanctioning any of his proceedings. I do not mention this in any spirit of self-excuse, or of self-laudation, but the really practical results of that very feeling on my part have been since brought against me as grounds for accusation and obloquy.

On our arrival here I lost no time in procuring the best advice I could as to the proper prosecution of his Highness's claims. I obtained introductions to several gentlemen of influence, both political and otherwise, and, among them (from my Irish connexions) I became acquainted with Mr. Isaac Butt, Q. C., M. P. for Youghal, a gentleman, as I was informed, of high standing at the Irish bar, and possessed of considerable influence both in the House of Commons and with Her Majesty's Government. Mr. Butt undertook, upon certain stipulations, to conduct Meer Alli Morad's case in the House of Commons, and from that time he was constantly consulted, both by his Highness and myself as to the proper course to be pursued by us.

It will be in your recollection, Sir, that after much negotiative deliberation on the matters in question, a final interview took place at the Board of Control between yourself, as President of the Board, and his Highness Meer Alli Morad, in the month of August last. At that interview were also present, Sir George Clerk, Mr. Isaac Butt, and myself. The result of that conference was, that his Highness determined to start at once for Bombay, and I was to accompany him. His Highness was sanguine that a portion at least of his confiscated territory would be restored to him, and was naturally anxious to show as soon as possible, by overt acts in his own country, his loyalty and fidelity to the British Government. I have now, Sir, to beg your most attentive consideration to the dates which I shall have to particularize, in connexion with our progress from London to Trieste.

It had been my intention to leave London with the Ameer on Thursday the 20th of August, so as to reach Trieste on the 27th, in time for the Alexandria steamer. We were however detained in town, for the purpose of making some final pecuniary arrangements with Mr. Butt, until Saturday the 22d, when we started for Folkestone.

As the Ameer would on no account travel after dark, it was manifestly then impossible for us to reach Trieste in time for the next mail. We arrived in Paris on the night of Sunday the 23d. On the following day I found to my surprise that the Ameer had not brought sufficient funds with him to defray our travelling expenses. I therefore wrote home to the bank, desiring them to forward the sum of 200*l.* to Vienna, whither we were pushing on. The Ameer remained in Paris till Thursday the 27th, making during that time many purchases, and also having two sets of false teeth made and fitted.

We reached Frankfort on Sunday the 30th of August. The next day, Monday, August 31st, I went to request the British Envoy, Sir A. Mallet, to viser the Ameer's passport preparatory to obtaining the Austrian visé. Sir A. Mallet called on the Ameer that evening, and was extremely kind. On the following day, Tuesday, September 1st, the Ameer went out shooting with some Austrian officers, and as his passport did not reach our hotel till after two o'clock on the following day, we were unable to start for Vienna till the next morning, viz., Thursday, September 3d, so that I fully expected to reach Trieste, which is only 16 hours from Vienna, in time for the Austrian Lloyd's mail steamer of the 10th. We reached Vienna on the night of Saturday the 5th of September, at ten o'clock.

On making the earliest inquiries possible at the Post Office, and at the different bankers at Vienna, on Monday morning, I found neither letters nor remittances. In answer to an immediate telegram from me, I received a telegraphic despatch directing a banker to pay the money on production of the message. This, however, the bank declined to do, which involved a further use of the telegraph, and the banker's final order for remittances did not reach us in Vienna till late on the evening of Wednesday the 9th of September, so that the delay then manifestly prevented our reaching Trieste in time to catch the mail of the following

following day. I have been thus particular in mentioning dates, and explaining the real causes of our delay in Paris, Frankfort, and Vienna, as that delay has since been made a ground of accusation against me as having *wilfully* retarded his Highness's return to Bombay.

It will suffice here to state that we did arrive at Trieste on the evening of Friday the 11th of September, and the Ameer then determined there to wait for the succeeding mail of the 27th, contrary to my advice, which was that he should leave the following day by a steamer of the accelerated line, viâ Constantinople.

I must now recur to what occurred at Vienna. It was in that city, on Monday the 7th of September, that I saw a paragraph in the "Times" newspaper, announcing the departure of a battalion of the Guards for India. This announcement conveyed to my mind the inference that the troubled state of India had increased rather than diminished. Although I was not aware that any disturbances had actually broken out in the Bombay Presidency, yet from my knowledge of the people, I was disinclined to repose too much confidence in the staunchness of their loyalty, should the contaminating spirit of rebellion once reach them. I was also perfectly aware that our arrival in Bombay would take place in the midst of the Mohammedan festival of the Moharran, which is a period of great religious excitement.

As I have before stated, I have always been most anxious to guard against the possibility of the Ameer, by any act of his own or of mine, becoming directly or indirectly compromised in the eyes of the British Government, as a proof of which I will mention that, when his Highness was in England, he expressed a desire to make a pilgrimage to Mecca. At that time, Her Majesty's Government were not on friendly terms with the court of Persia. I therefore wrote to the Earl of Clarendon a statement of the then views of the Ameer. I received from the Foreign Office an answer, thanking me for my communication, which had simply proceeded from a feeling that, under existing circumstances, the Ameer's views on the matter might, if carried out, be subject to great and highly injurious misconstruction.

Acting on the same principle as that which dictated my last-mentioned correspondence with the Foreign Office in 1856, I determined to seek further information as to the last reputed state of India, and to seek it at the British Embassy. This I did with the full and distinct knowledge and approbation of his Highness, who was himself anxious to have an interview with Sir H. Seymour.

Accordingly, I called at the Embassy, where I saw a young gentleman at the top of the staircase, without a coat, smoking a cigar. He informed me that Sir Hamilton Seymour was not at the Embassy, but that in case I had important business with him, he would give me his address: he took my card and wrote on it Sir H. Seymour's address. I told him I only wanted the last Indian news, and if he could give me any, it would fully answer my purpose. Some further conversation took place about Indian affairs, and we shook hands and parted. I think it right here to subjoin a memorandum of this general conversation, which I afterwards drew up at Trieste, when the facts were still quite fresh on my mind, and in reply to Mr. Butt's version of the matter.

My conversation was to this effect:—

"I perceive the Guards have been ordered out to India; and as this portends a gloomy "state of things, and as I have had no information as to the state of affairs since leaving "London, I should be glad to know in what condition the Bombay Presidency is, as, in "the event of its being disaffected, our presence at the moment" (referring to the Moharran before mentioned) "might embarrass the Government; if so" (that is, if Sir H. Seymour had news to that effect), "I was perfectly at his orders to remain or return; in "fact, to act as he might suggest." I stated that "I was perfectly convinced of the Ameer's "loyalty, but not being aware how far the rebellion had progressed with regard to Bombay, "I wished to consult one in our Ambassador's position as to our remaining or proceeding, "but this only with regard to any fresh news *which he might then have in his possession.*"

The above memorandum of what took place at the Embassy I am prepared to verify on oath.

On the evening of that day I drove out to Sir H. Seymour's house to leave cards for the Ameer and myself: I did not see nor did I ask for any person. On the following day, Tuesday, the 8th, Mr. Elliott, the Secretary of the Legation, called at our hotel: there were present at that interview two other persons besides myself. The conversation turned generally on India, and was, I believe (and in this belief I am confirmed by the above-mentioned persons), very much of the same character as that which had passed between myself and the young gentleman at the Embassy on the previous day.

Previously to Mr. Elliott's leaving us, I asked him if he would see the Ameer. He in turn inquired if his Highness had been presented at the English court. I replied in the negative, but added, that he had been admitted to some of the first houses in London; and also, that his Highness had felt extremely sore at what he considered a slight passed upon him in not having been presented to Her Majesty. Mr. Elliott said he should not visit the Ameer, and took his leave.

On the following day (Wednesday) Sir H. Seymour called at our hotel, and left cards for the Ameer and myself. The same evening I was enabled to obtain my remittances,

Appendix, No. 3.

and, as I said before, on the night of Friday the 11th of September, we arrived at Trieste. As his Highness positively refused to proceed by the accelerated line of steamer, I had no alternative but to remain for the mail of the 27th. On the night of the 25th Mr. Butt arrived, accompanied by Mr. Irvine (as I believe, a connexion or relative of Mr. Butt's) and a Captain Langley.

On the following day, after some conversation, he charged me with having attempted to "sell" the Ameer at Vienna. I then, for the first time, learned that my conversation with the person on the staircase at the Embassy had been made the subject of a telegram home.

Mr. Butt stated to the Ameer, in my presence, that the telegraphic message which had been sent from Vienna to the Board of Control had been given by yourself to him: he produced what purported to be that despatch, and stated that Sir H. Seymour, at *Vienna*, repeated to him the message *verbatim*. After some days, I obtained from Mr. Butt the following document:

"Minute of information given by Mr. Coffey at the British Embassy, at Vienna, on "8 September 1857.—Mr. Coffey called at the British Embassy, and stated that his "Highness the Ameer of Khyerpoor was then in that city on his way to Trieste, whence "he was about to embark for Bombay on the following Thursday. He also stated that "the Prince was in a state of great exasperation at the neglect of his claims by the English "Government, and that Mr. Coffey's opinion was that, on reaching India, he would join "whichever side might seem the strongest. Mr. Coffey offered, if advisable, to induce the "Prince to delay his journey to Bombay."

Mr. Butt also stated to me that you had informed him that Alli Ackbar had sent in a complaint to the Board of Control to the effect that I had drawn large sums from the Ameer without accounting for them. This statement had, however, been regarded by the Board as emanating from pure personal spite, and, of itself, would have been disregarded. The conjoined effect of Alli Ackbar's accusation and of the Vienna telegram had, however, been sufficiently strong to induce you, Sir, as President of the Board of Control, to send Mr. Butt, as "the accredited agent of the Board," to overtake the Ameer at Trieste. He further told the Ameer that he was authorised by yourself and Sir George Clerk to express the extreme displeasure the Board felt at the delay which had taken place in the departure of the Ameer from Europe.

To this I replied by showing my route-book, and explaining that the non-arrival of remittances from London had been the sole cause of delay.

Mr. Butt announced to his Highness that he was empowered by yourself to warn the Ameer that, unless I were dismissed from his service, there would not be the slightest chance of his regaining either his money or his lands.

He also said that you had expressed the opinion that, had the Vienna telegram gone to Bombay instead of to England, Lord Elphinstone would certainly have imprisoned the Ameer on his landing, to the utter destruction of himself and family.

After enduring a week of constant trial, both of mind and temper, and finding my statements, made most solemnly and truthfully, were still disregarded, I quitted Trieste for Venice. Mr. Irvine was installed in my place with the Ameer, and Captain Langley was sent with them as interpreter.

The accusations against me, which, according to Mr. Butt, induced you, Sir, to delegate to him the authority of the Board of Control, in order to influence the Ameer to dismiss me from his service, are two:—

First, that made by Alli Ackbar as to my not having accounted for money which I had drawn from the Ameer;

And, secondly, my having offered, at the Embassy at Vienna, to sell the Ameer's interests.

My answer to the first of these charges is very simple. My accounts show every sum which I received from the Ameer whilst here, *and the persons to whom they were paid.* These accounts were approved of by the Ameer in the month of July last, in the presence of Mr. Isaac Butt and Captain Keyes.

Possibly Alli Ackbar may refer specifically to two sums drawn by the Ameer himself from the India and China Bank in my presence: the first on the 12th of August, of 300 *l.*; the second on the 22d of August (the very day on which his Highness left London), of 2,000 *l.*

In that case, I beg to inform the Board that these two sums were drawn by the Ameer from his own private and separate bank, and by him paid, in my presence, to Mr. Isaac Butt, as a portion of the stipulated remuneration for his services in the House of Commons, and for negotiating with the Board of Control; but they never formed any portion of my assets in account with the Ameer, and therefore do not appear as items in my balance-sheet with him.

With regard to the second charge, I am placed in great difficulty, from the extremely vague language continually employed by Mr. Butt. When at Trieste, he distinctly stated that he "had seen Mr. Irvine, the Secretary of the Embassy at Vienna," "who confirmed him in his impression as to the character of the message," and that "Sir H. Seymour repeated the telegram to him *verbatim*."

I wrote

Appendix, No. 3.

I wrote to Mr. Irvine on the 28th of September, requesting an explanation, and enclosing a copy of my memorandum of the conversation at the Embassy, and also one of Mr. Butt's version; and, in reply, I received a letter from Mr. Elliott, the Secretary of Legation (copy annexed), dated the 5th of October, stating that Mr. Irvine disclaimed all knowledge of me whatever; but that if I referred to the conversation which took place at my hotel, in the memorandum I enclosed, he thought it bore a different character from that given to it in my document. It will, however, be observed that the "Minute of Information" given by Mr. Butt to me, expressly points to the 8th as the day on which I made the statements in question at the Embassy; but when I wrote to the person named by Mr. Butt himself as his confirmatory authority, I found Mr. Irvine utterly denies all knowledge of me. It certainly was the farthest thing possible from my interests to betray those of the Ameer. Had I heard, from fresh news, that disturbances had broken out in Bombay, I should not have hesitated to advise his Highness to postpone his arrival at the Presidency until at least the religious excitement of the Moharran had subsided; and this for fear of either party of fanatical devotees taking advantage of his presence to use his name as a watchword or a rallying cry, which might have been greatly to his prejudice. No news of fresh disturbances reached me; and as soon as I obtained the means, I proceeded on our journey.

I will not now trouble you, Sir, with any observations on the utter improbability of my going to the Embassy at Vienna to betray the interests of the Ameer, considering my chief hopes and future prospects depended on his success. I cannot believe, Sir, that from your experience of public life and official responsibility, you are, or ever have been, a person disposed to condemn a gentleman, on charges made behind his back when he is hundreds of miles away, without giving him such means as may be in your power to clear himself from imputations which he honestly feels to be groundless. Had I not felt the charges now brought against me to be utterly destitute of foundation, I should never have returned to England; but feeling as I do that I have been most grossly maligned and misrepresented, and that in that misrepresentation your name, Sir, has been employed as a means of unscrupulous terrorism, I do now most respectfully, but most earnestly, ask for your assistance to enable me, by refuting the calumnies alleged against me, to clear my honour before yourself and the Board of Control, and also before his Highness the Ameer of Scinde.

I have, &c.

Stafford-street Club, Albemarle-street, (signed) *Edw. Lees Coffey.*
25 November 1857.

Sir, Vienna, 5 October 1857.

Mr. Irvine has communicated to me your letter of the 28th of September, containing a memorandum of your recollections of what passed at an interview with him at Vienna, and inquiring if he also considered that this statement contained the substance of your conversation. As Mr. Irvine informs me that it was not with him that you had an interview, I imagine you may allude to what passed when I called at your hotel; but, if this supposition be correct, I have to state in reply that my recollection of what fell from you on that occasion is of a totally different nature.

I have the honour to be, Sir,
Your most obedient servant,
(signed) *Henry Elliott,*
Sec. of H. M. Legation.

(True copy).
(signed) Edw. Lees Coffey.

Copy of a Letter from the Assistant Secretary of the India Board to Mr. *Coffey*, dated 26 November 1857.

Sir,

I am desired by the President of the Board of Commissioners for the Affairs of India to acknowledge the receipt of the letter which you yesterday addressed to him.

I am, &c.

E. L. Coffey, Esq. (signed) *Wm. Leach.*

Appendix, No. 3.

To the Right Honourable *Vernon Smith*, M. P., President of the Board of Control, &c. &c.

Sir,

I HAVE to thank you for a letter acknowledging the receipt of a written statement which I forwarded to the Board of Control respecting my conduct in connexion with his Highness Meer Alli Morad.

Since that statement was written, I have had the opportunity of making further inquiries upon the matter. The result of these inquiries still more fully proves that your name as an individual, and the authority of the Board over which you preside, were used in such a manner, to my prejudice, as to entitle me to ask you, most respectfully, as the only person who can really solve the existing difficulty, to give me a reply to the following questions.

I should at once, Sir, state, that these questions arise partly from what Mr. Butt himself stated to me, and partly from a letter which he subsequently addressed to my brother.

I feel assured, Sir, that your own feeling as a gentleman will appreciate the very difficult position in which I am placed, and that you will afford me all such assistance as you possibly can to discover the truth.

I therefore respectfully ask,—

1. Was Mr. Butt formally accredited by the Board of Control to proceed to Vienna and Trieste, with the view of warning the Ameer as to the difficulties (arising from my conduct) which attended his position?

2. Was it with your sanction and approval that Mr. Butt brought out to Trieste Captain Langley and Mr. Irvine to supersede me with the Ameer?

3. Did the Board of Control give to Mr. Butt such official documents relative to my conduct towards the Ameer as were then in the Board's possession, and was permission then given to Mr. Butt to use such documents as he thought fit against me?

4. If the fact were so, what were the documents so entrusted to Mr. Butt?

5. Did the Board of Control, or yourself, sir, give to Mr. Butt the telegraphic message transmitted by Sir H. Seymour to England with regard to the Ameer?

6. Did you express to Mr. Butt your conviction that, had the telegram said to contain information which I had given at Vienna, been sent to Lord Elphinstone, he would at once have imprisoned the Ameer upon his arrival in Bombay?

7. Did you ever give Mr. Butt to understand that he had your authority to state to the Ameer that, unless I were at once dismissed, he had no chance of regaining either his money or his lands?

8. Is it true, as Mr. Butt has stated, that my conduct towards the Ameer has either prevented or impeded the transmission of a despatch from the Board to the authorities in India, as to the re-establishment of the Ameer in his own territory?

9. Did you ever give Mr. Butt authority or countenance to say that, in the opinion of yourself and Sir George Clerk, my motive for proceeding to the Embassy at Vienna was in order to sell the interests of the Ameer to the British Government?

These, Sir, are specific statements and accusations made against me by Mr. Butt. I place myself at once in your hands.

Your name has been made the authority by which Mr. Butt has worked. I, on the honour of a gentleman, deny the truth of his personal accusations against myself, and I now ask you, Sir, to let me know how far the Board of Control sanctioned those proceedings of Mr. Butt, of which I complain.

Hoping for the favour of an answer at your earliest convenience,

I have the honour to be, sir,
Your most obedient Servant,
Edward Lees Coffey.

Stafford-street Club, Albemarle-street,
12 December 1857.

COPY of a LETTER from the Secretary of the India Board to Mr. *Coffey*, dated 22 December 1857.

Sir,

I AM directed by the Commissioners for the Affairs of India to acknowledge the receipt of the letter which you addressed to the President of the Board on the 12th instant, and to inform you that the Board cannot enter upon a discussion of the subject of your differences with Mr. Butt.

I am, &c.
(signed) *George Clerk.*

E. L. Coffey, Esq.

Appendix, No. 4.

Madam, London, 13 February 1858.

Appendix, No. 4.

You have mentioned to me that a statement has been made that I showed letters from persons connected with the Embassy at Vienna, alleging that you have been travelling with Mr. Coffey, as his wife, on the continent.

It became necessary, in explanation of transactions connected with the Ameer Ali Moorad, that I should show to Mr. James Coffey a letter officially addressed to me from Sir Hamilton Seymour, enclosing from Mr. Elliott, one of the attachés of the Embassy, a statement of a conversation which he had at Vienna with Mr. Edward Coffey.

In this letter it was incidentally mentioned that "Mrs. Coffey was present and joined in the conversation."

Not the slightest allusion was made to your name directly or indirectly.

In no other letter was the slightest reference either to you or any lady whatever.

Mr. Elliott has himself explained to you the circumstances under which he fell into the mistake when he met you at Vienna in company with Mr. Coffey.

I can only express my deep regret that this mistake should have caused you the slightest annoyance; I am, however, in no respect to blame. I never made any statement like that which you tell me has been imputed to me, and I am not in possession of any letter which throws the least imputation upon you.

I have the honour to be,

Your very faithful servant,
Isaac Butt.

My communication with Mr. James Coffey was entirely of a confidential character, and had only reference to the affairs of Ameer Ali Moorad.

(Addressed)

Mrs. Parr,

17, Old Bond-street.

Isaac Butt.

Madam, Vienna, 30 November 1857.

With regard to the communication you have made to me to-day, I hasten to express the very deep regret I shall feel if any thing I may have said or written has been the means of subjecting you to an erroneous imputation.

On calling at the hotel and inquiring for Mr. Coffey, I was shown into a room where he was in the company of a lady, evidently at home there, and belonging to the party, and who likewise joined in the conversation.

I not unnaturally supposed her to be the wife of the gentleman in whose rooms I imagined ourselves to be, and I can but again express my regret if—having been shown into your room by the waiter in consequence of his knowing that Mr. Coffey was with you at the moment—my mistake should have become the cause of a serious annoyance to you.

I may add, that a gentleman wearing an evening dress and a decoration was present during a part of my visit.

I have the honour to be,

Madam,
Your most obedient servant,
Henry Elliot.

(Addressed)

Mrs. Parr,

Hotel, Wandl.

H. Elliot.

Madam, Vienna, 1 December 1857.

I am much concerned to learn that you should have experienced any annoyance at discovering that you had been considered to be the wife of Mr. Coffey, who visited Vienna some weeks since, in the company of an Indian prince.

The slightest inquiry will satisfy you that the mistake was as unintentional as I consider it unimportant, and that it proceeded *solely* from the accident of one of the gentlemen of the mission having called upon Mr. Coffey, and having been shown by the waiter into a room in which you were sitting with Mr. Coffey and a foreigner.

Appendix, No. 4.

The visitor, believing himself to be in Mr. Coffey's apartment, fancied very naturally that the lady whom he found there was Mr. Coffey's wife, and hence a mistake which one word is sufficient to clear up, and which is not of a nature to have occasioned one moment of well-founded uneasiness to you or to your friends.

I have the honour to be, madam,
Your obedient humble servant,
G. H. Seymour.

(Addressed)
Mrs. Parr,
Hotel, Wandl.
G. H. Seymour.

Madam, Vienna, 22 December 1857.

I HAVE to acknowledge the receipt of your letter of the 19th instant, and, in order to meet your wishes as far as I can, I beg to say that in a minute which I drew up for Sir Hamilton Seymour of my conversation with Mr. Coffey, I alluded to a certain observation as having been made by "Mrs. Coffey." On learning from you that this expression was not only undoubtedly incorrect, but had subjected you to much annoyance, I hastened to write you the letter you allude to, and which I hoped would effectually counteract the effect of any error into which I might previously have fallen. At the same time, I must observe that I cannot at all comprehend how your character can be in the most remote degree affected by any report which I may have given of the nature of the language used to me by Mr. Coffey; and, under these circumstances, I have not thought it necessary to request Sir H. Seymour's permission to be allowed to send you a copy of the memorandum in question.

I remain, madam,
Your most obedient servant,
Mrs. Parr. *Henry Elliot.*

(Addressed)
Mrs. Parr,
17, Old Bond-street,
London.
H. Elliot.

Madam, India Board, 19 November 1857.

THE telegram to which you allude, sent from the British Embassy at Vienna to the Foreign Office here, and from thence to this office, contains no allusion whatever to you or to any lady whatever.

I have shown the book containing the copies of letters of Messrs. Coffey and Butt to the President of the Board of Control, and he has read them, and I shall keep them (unless I hear from you to the contrary) until Mr. Coffey's statement arrives.

If I can be of any further assistance to you in this matter, I beg you will let me know.

Your obedient servant,
Gowran C. Vernon.

(Addressed)
Mrs. Parr,
17, Old Bond-street.
Gowran C. Vernon.

Madam, India Board, 25 November 1857.

I ENCLOSE the copy of Mr. Coffey's letter which the President received this morning; I shall be very happy to hear how your journey to Vienna succeeds.

With every wish that you may obtain what you desire,

I am, &c.
Gowran C. Vernon.

(Addressed)
Mrs. Parr,
17, Old Bond-street.
G. C. Vernon.

Appendix, No. 5.

My Dear Coffey, 85, Jermyn-street, Friday morning.

The appeal which this letter contains, I make to you as a gentleman and a man of honour. I am sure that no opinion you may have formed on the differences between your brother and me, will interfere with your response to that appeal. You remember that in July or August 1856, you and your brother David introduced me to your brother Edward, and through him to the Ameer Ali Morad; that at the earnest request of one or both of you, I undertook to prosecute his petition to Parliament, and if necessary to bring his case before the House. Of everything that occurred upon that occasion you are already cognizant. You were also both intimately acquainted with every transaction, in which, during the next year, I had anything to do with the Ameer's affairs. You were also aware of all the circumstances connected with the proposal made to me to go to India, and consequent arrangements. You have seen the petition which is to be presented to the House by your brother, in which he alleges that a corrupt agreement was made with me in August 1856, that I should, for reward, prosecute the Ameer's claim in the House of Commons, and that in pursuance of that agreement, sums of money have been paid to me. I have a right to appeal to your testimony upon these points. Was there the remotest pecuniary inducement held out to me to advocate the Ameer's cause in the House of Commons or elsewhere, when I was first asked to take it up, or at any subsequent period, or any payment of money, except for going to India? Were you not in the fullest, freest and most unreserved communication? In the whole transaction with me, your brother and the Ameer, are perfectly cognizant of every transaction. Will you read this letter to your brother David, and ask him to consider the appeal as made to himself.

Yours very truly,

To James Coffey, Esq. *Isaac Butt.*

From *R. D. Mangles*, Esq., M.P., to *I. Butt*, Esq., M.P.

Dear Sir, India House, 22 May 1857.

I beg to thank you very sincerely for the courtesy of your two communications on the affairs of the Ameer Ali Morad.

I have consulted my colleagues on the subject (carefully abstaining from the slightest allusion to your name in connection with it), and they entirely concur with me that in such a case it would not be proper to make a compromise of the nature of a bargain with any person in the position of Ali Morad, who has come to England, without the consent of the authorities in India, to complain of acts of the Court of Directors (sanctioned, of course, by the Board of Control), the grounds of which are on record.

It would be quite a different question whether Ali Morad returning to India, and there conducting his relations with the British Government, and with his own subjects, in such a manner as to re-establish a claim to consideration and confidence, he might not then urge, with a fair prospect of success, an application for a remission of a part of the penalty with which he has been visited.

I spoke on the matter to Sir George Clerk yesterday, and he told me that this was the line of conduct which he had advised the agent of Ali Morad (Akbur Ali) to recommend to his principal.

I return the paper enclosed in your last note, which, as well as the first one, I have destroyed. No one but Mr. Vernon Smith is aware that we have had any correspondence on the subject.

In the matter of Meer Ali Moorad.

Docket for Conference.

For Isaac Butt, Esq., Q.C.

Fee, £. 5. 5.

David Coffey, Solicitor.

21 June 1856. Paid, *I. Butt.*

Appendix, No. 5.

Sir, London, 20 February 1858.

I HAVE read the letter you requested me to reply to, and have to state that you are entitled to say that the case of the Ameer was placed in your hands by me, and I solicited your Parliamentary advocacy of his Highness's claims. I certainly, upon that occasion, or any other occasion, never made any compact or bargain with you, nor am I aware of your having received any money whatever except some few trifling consultation fees and a sum of two thousand pounds, being an instalment of a larger sum which was arranged by the Ameer to be paid to you for going out to India, for the purpose of securing the final adjustment of the claims of his Highness.

I am, sir,
Your obedient servant,
David Coffey.

I. Butt, Esq., M. P.

Sir, London, 20 February 1858.

HAVING formed, and more than once expressed to you, an unfavourable opinion of your treatment of my brother Mr. Edward Coffey, you must excuse me from minutely entering into the subject of your communication.

I do not however think I would be justified in withholding any testimony it is in my power to offer since you have so appealed to me.

I have therefore to state, that, except from the petition, I know not what charges are to be preferred against you, nor the grounds upon which they rest. It is quite true that I was in constant communication with you and others in relation to the affairs of the Ameer from a very early period, almost from the beginning to within a fortnight of the Ameer's departure.

I am quite ignorant of your having entered into any arrangement for money or reward with any person for Parliamentary or other services in aid of the Ameer's claims.

I did hear from yourself and others, that you had received money in part payment of a larger sum to be sent to you from, or received by you in Bombay, to go out to Scinde, to complete the final arrangement of the Ameer's claims in that country.

This, and a sum of 20 or 25 guineas, which I have reason to know was paid you in Dublin as a consultation fee to attend in London, is all I know directly or indirectly of any pecuniary transactions connected with you in relation to the Ameer's affairs.

I am, sir,
Your obedient servant,
Jas. Chas. Coffey.

Isaac Butt, Esq., M. P.

Sir, East India House, August 1857.

I HAVE laid before the Court of Directors your memorial, dated the 6th ultimo, praying for the restoration to you of a portion of the territory of which you were deprived in consequence of the acts proved against you before a Commission in 1851, and I am directed

Court are of opinion that

in reply to inform you, that the ~~sentence was pronounced after a full and impartial investigation, in which you had ample opportunity of defending yourself, and that the Court see no reason for altering their decision.~~

the proper course for you now to pursue is to return to your country, and under the protection and the guidance of the Chief Commissioner in Sindh to manifest your zeal and fidelity in the service of the British Government.

It will be a satisfaction to the Court to receive from the Chief Commissioner such reports of your conduct as may seem hereafter to justify their considering your case more favourably than hitherto.

I have, &c.
(signed) *James C. Melvill*, Secretary.

His Highness the Ameer Ali Morad Khan Behadoor,
18, Carlton Hill, East, St. John's Wood.

Appendix, No. 6.

Appendix, No. 6.

Dear Sir, India Board, 14 September 1857.

I AM directed by the Commissioners for the Affairs of India to transmit to you a copy of a Memorandum which has been submitted to them respecting Meer Ali Morad and Mr. Coffey, and a telegram received from Vienna relating to the same subject, for your private information.

I am,
Dear Sir,
Yours very faithfully,
George Clerk.

Isaac Butt, Esq., M. P.
&c. &c.

MEMORANDUM.

IT is very desirable that a letter should be addressed to Mr. Frere, to impress upon Meer Ali Morad that no advantage can be derived by him from any unnecessary expenditure of money. Mr. Frere should be requested to afford him whatever aid he may require to obtain a just account of the monies he has entrusted to his agent, Mr. Coffey, to pay the expenses incident to his visit to this country. His Highness, on leaving Scinde, entrusted Hakeem Immadeen with hoondees worth 65,000 rupees, to be placed in bank, in order to meet the expenses of his visit to England. This sum was taken by the hakeem to the bank, accompanied by Mr. Coffey. He (Mr. Coffey) deposited the whole sum in his own name in the Oriental Bank, but the disposal of it has not been shown to his Highness' satisfaction. Also a further sum of money was paid to him in this country, a cheque, 300*l.*, per receipt 280*l.*; by Meer Fyz Mahomed, 100*l.*; cash, 450*l.*; furniture left behind cost 500*l.*, and other sums of money which his Highness could show by memorandums in his possession. After his Highness had paid Mr. Coffey sufficient sums to meet all the disbursements for his return to India, and just as he was on the point of departing, Mr. Coffey took his Highness to the Commercial Bank, and insisted on his Highness drawing and cashing a bill on Bombay for 2,000*l.* This amount was taken possession of by Mr. Coffey, but for what purpose is not apparent.

Total sum, 10,130*l.*, independent of his law and other expenses.

It should also be explained to his Highness that the proceedings which may take place on his return cannot be influenced by any expenditure he may make, and that the course the Government will pursue is to be ascribed to their own determination to do what is reasonable, and not to the intervention of his Highness' agents.

Appendix, No. 7.

Appendix, No. 7.

Sir, 85, Jermyn-street, Friday morning.

I HAVE received your note last evening at the House of Commons, with the copy of the petition, the contents of which have surprised me exceedingly.

Under any circumstances, you will, perhaps, have no objection to defer the presentation of the petition for three or four days. It is absolutely necessary for me to refer to letters at present in Dublin, and which I fear cannot be found by any one but myself. A charge of this nature once made, publicly, ought to receive the most prompt contradiction, and whenever it is brought forward I would wish to meet it at once. The opportunity of going to Dublin, which a few days delay will afford, will enable me to do this.

I would, however, I confess, feel better pleased at being permitted to place before yourself a full statement of everything that has passed between the Ameer Ali Morad, Mr. Coffey, and myself. I have such reliance on your sense of justice and honour that I would place this in your hands to make what inquiries you wished of the petitioner, and then decide whether it was a case in which you could give the weight of the station and character you hold in the House to the accusation.

I do not conceal from you that such a charge, however it may be refuted, must involve both pain and annoyance. In the present case I fear it will inflict an injury upon the claims of the unfortunate and deeply aggrieved prince whose name is mentioned in the petition.

Appendix, No. 7.

I am sure you will take whatever course you think your public duty requires, but I presume there can, at all events, be no objection to the delay in the presentation or notice of the petition for a few days.

Of course, you will understand me as giving to the charge a most distinct and positive denial.

I have the honour to be,
Your faithful servant,
Isaac Butt.

(Addressed)

Immediate.

J. A. Roebuck, Esq., Q. C., M. P.,
19, Ashley-place,
Victoria-street.

Isaac Butt.

Sir, 85, Jermyn-street, Friday.

I AM sure upon reflecting you will see that the course you propose would place me in a false position before the public. I believe no accusation of the kind ought to be permitted, not even for 24 hours, without a reply.

Your notice must involve a statement of the general nature of the charge contained in the petition. This once made I would certainly reply to it at once, no matter under what disadvantage.

You must feel the difference between referring to letters and reading them. Putting apart the danger of inaccuracy of statement from memory, the effect upon any assembly is very different indeed.

I cannot read the letters which, I think, dispose conclusively of this petition, without having an opportunity of obtaining them by going myself to Dublin.

But I would not purchase this advantage by consenting to ask for delay in meeting such a charge, or allowing a public notice of it to hang over my head.

I will be quite satisfied if on Wednesday next, when I will be in my place in the House, you give notice for Thursday, or that which I would infinitely prefer, at once present the petition without any other notice than that which you have privately given me.

I believe there are many persons who will regard a charge as proof, and never trouble themselves to read the vindication.

My wish is, therefore, that the accusation and the answer should go to the public simultaneously, or with as little interval as possible.

I presumed the object of your notice to me was either to enable me to offer you any private explanation which might prevent you from placing yourself in the position of the accuser, or that I might have the opportunity of meeting the accusation at once.

I do not at all complain that you have declined to receive the first, but for the second purpose it unfortunately happens that the notice is insufficient. I am quite sure this was neither your intention nor your wish.

Your very faithful servant,
Isaac Butt.

(Addressed)

J. A. Roebuck, Esq., Q. C., M. P.,
19, Ashley-place.

Isaac Butt.

Britannia Life Assurance Office, 1, Princes-street, Bank,
London, 23 February 1858.

Dear Sir,

AGREEABLY to your request I annex extract from Messrs. Fox's letter of 26th June 1857.

Yours truly,
A. Francis,
Secretary.

Isaac Butt, Esq., M. P.
85, Jermyn-street.

EXTRACT from a Letter from Messrs. *Fox*, of Dublin, dated 26 June 1857.

"OUR friend, Mr. Isaac Butt, M. P., will call upon you on Monday for the purpose of having a further assurance for 5,000 *l.* effected upon his life. He may also submit an additional proposal for 20,000 *l.* for one year only, but the latter case is contingent upon his going out to India, which he has some intention of. We wish you would give the Eagle and Monarch offices, whatever portion of the whole amount to be assured which you are unwilling to take."

Appendix, No. 7.

(Copy).

Sir, India Board, 9 October 1857.

I AM directed by the President of the Board of Commissioners for the Affairs of India, to acknowledge the receipt of the letter which you addressed to him on the 28th of September, and to assure you that he has not given credit to the communication which appears to have been made to the Ambassador at Vienna regarding you.

His Highness Meer Ali Morad, &c. &c. &c.

I have, &c.
(signed) *George Clerk.*

My dear Mr. Bouverie,

I INTENDED to have taken this with me. On looking *now* at the back of it I see it was received from the agent Allee Akhbar, for it is so stated at the time in my own pencil writing. Though I see so many *Allees* here that did not feel quite sure till I saw this again.

A member of the Committee on your left asked me to have search made for anything from Mr. Butt, but none can be found.

27.

Yours, very truly,
George Clerk.

G. C. is my initial.
R. V. S., the President's.

MEMORANDUM by *Akbar Allee.*

Sind. *Ali Morad*, of Khyrpoor.

MEMORANDUM.

IT is very desirable that a letter should be addressed to Mr. Frere, to impress upon Meer Ali Morad that no advantage can be derived by him from any unnecessary expenditure of money. Mr. Frere should be requested to afford him whatever aid he may require, to obtain a just account of the monies he has entrusted to his agent, Mr. Coffey, to pay the expenses incident to his visit to this country. His Highness on leaving Scinde, entrusted Hakeem Immodeen with hoondees worth 65,000 rupees, to be placed in bank, in order to meet the expenses of his visit to England. This sum was taken by the Hakeem to the bank, accompanied by Mr. Coffey. He (Mr. Coffey) deposited the whole sum in his own name in the Oriental Bank, but the disposal of it has not been shown to His Highness's satisfaction; also a further sum of money was paid to him in this country—a cheque 300 *l.*,—per receipt 280 *l.*—by Meer Fyz Mahomed, 100 *l.* ~~cash for~~ cash, 450 *l.*, furniture left behind cost 500 *l.*; and other sums of money, which his Highness could show by memorandums in his possession. After his Highness had paid Mr. Coffey sufficient sums to meet all the disbursements for his return to India, and just as he was on the point of departing, Mr. Coffey took his Highness to the Commercial Bank, and insisted on his Highness drawing and cashing a bill on Bombay for 2,000*l.*; this amount was taken possession of by Mr. Coffey, but for what purpose is not apparent.

Total sum, 10,130 *l.*, independent of his law and other expenses.

It should also be explained to his Highness that the proceedings which may take place on his return cannot be influenced by any expenditure he may make, and that the course the Government will pursue is to be ascribed to their own determination to do what is reasonable, and not to the intervention of his Highness's agents.

(Endorsement.)

This from Akhbar Alee is apparently well intended; but Alee Moorad, with his eyes open, allowing himself to be plundered by his agent, Coffey, is no case for the Board's notice, though it may be for Mr. Butt's.

G. C., 10th.

Let a copy be made for Mr. Butt.

R. V S.

[The above endorsement was written with pencil at the back of the original.]

Appendix, No. 8.

My dear Coffey, 48, Duke-street, St. James.

Appendix, No. 8.

You will be glad to learn that Vernon Smith has written a despatch, in which he gives directions that the *Turban lands* shall be restored to the Ameer, and 45,000 *l.* paid him for the forts, if after his return to India he displays loyalty to the British cause and alacrity in rendering assistance in the present trying crisis. This we look upon as decisive, and the restoration of the lands, &c., as merely an affair of time. The officials in India may make a delay of six months, or they may settle it in one. The present position of the affair certainly seems to offer more scope for the Sahib to further exercise his power, and to apply the pressure either here or in India; but I scarcely think the arrangements will be completed in time for him to leave for another six weeks, and that drives the journey to a late period of the year. It seems the Ameer *did* run short of money in Paris, and had to write here for money. He could not possibly have reached Trieste under those circumstances by the 27th, so Butt's conjecture was well founded.

Very sincerely yours,

J. Van Irwin.

Appendix, No. 9.

Appendix, No. 9.

STATEMENT of FACTS by Mr. *Coffey* in support of the Allegations contained in the Petition to the House of Commons signed by him, and to be presented by Mr. *Roebuck*, M. P.

PETITION presented by Mr. *Butt*, 27 June 1856, *vide* Votes.

MR. COFFEY in 1850 was appointed by the Bombay Government Postmaster-General of Scinde, which situation he occupied till 1856. At that time he consented to accompany the ~~Ex~~ Ameer Meer Ali Moorad to England, in order to assist him in prosecuting his claim for a restitution of the lands of which he had been deprived in 1852 by the East India Company. Mr. Coffey, in fact, arrived in England in the capacity of secretary to the Ameer. On his arrival he lost no time in procuring the best advice as to the proper prosecution of his Highness' claim. He obtained introductions to several gentlemen of influence, and among them Mr. Isaac Butt, Q. C., M. P. for Youghall. This took place in ~~the end of~~ the summer ~~or the beginning of the autumn~~ of 1856. On the 21st July 1856, Mr. Butt endeavoured to bring the claims of the Ameer before the House of Commons, but was overruled on a point of order (see "Burke's Parliamentary Prec'ents.," p. 38). On the 24th of the same month Mr. Butt moved for certain returns with regard to the affairs of the Ameer, which were granted (*see* Votes, 24 July 1856).

Previous to the 21st of July

~~In or about August~~ ^ 1856, in consequence of a conversation between Mr. Coffey and Mr. Butt, in the course of which Mr. Butt had stated that he could not give up his time to prosecute the cause of the Ameer in Parliament and elsewhere without a sufficient remuneration, Mr. Coffey consulted the Ameer, and eventually a bargain was made that should the Ameer, through Mr. Butt's exertions, be reinstated in his turban lands, the sum of 5,000 *l.* should be paid to Mr. Butt. After this agreement Mr. Butt repeatedly

by negotiating a compromise.

press

stated that he continued to ~~threaten~~ Mr. Vernon Smith with notices of motion in the House of Commons on the subject; that he was in correspondence with the Board of Directors, and that he endeavoured, both at the India House and at the Board of Control, to forward the interests of the Ameer.

Mr. Mangles and Sir J. W. Hogg.

In the following year, viz., 1857, Mr. Butt continued to act on behalf of the Ameer. On or about the 7th of August in that year, Mr. Butt represented to the Ameer, through Mr. Coffey, that he would be compelled to go to Ireland on an important case of

v.

in which his fees were very large. In order to prevent Mr. Butt absenting himself from the immediate and personal prosecution of the Ameer's claim in the House of Commons and

and at the Board of Control, the Ameer paid to Mr. Butt the sum of 300 *l.* by a cheque, the body of which was filled up by Mr. Coffey, but to which the signature of the Ameer was attached. Previous to signing it, he requested the name of Mr. Butt to be filled into it, and the cheque to be crossed. ~~The Ameer at the same time wrote a Pers sentence in~~ originally ~~Persian upon the cheque~~. The amount applied for by Mr. Butt, for this transaction was 500 *l.*, and on receiving the cheque for 300 *l.*, he asked Mr. Coffey, why it was for that sum instead of 500 *l.*; requesting that another should be drawn for that amount, without his name being introduced into the body of it, or its being crossed; ^ Mr. Coffey recommended Mr. Butt to keep the cheque for 300 *l.* as drawn, inasmuch as from his knowledge of the Ameer's character, he was convinced his Highness would neither increase the amount or alter the form of the cheque.

Appendix, No. 9.

^ Mr. Butt stating at the time that he would not pay the Ameer's cross-cheque into his banker's for 1,000 *l.*

On the following morning the cheque for 300 *l.* was changed at the Mercantile Bank of in London of India ^ ~~and three notes~~ of 100 *l.* each were paid to Mr. ~~Irvine~~ Butt (Mr. B.'s secretary) ~~the private secretary of Mr. Butt~~. As the cheque had been crossed, Mr. ~~Irvine~~ Mr. Irvine requested Mr. Coffey to accompany ^ ~~him~~ to the Bank, ~~that~~ in order that he might, as the known agent of the Ameer, authorise direct payment of the cheque, without its coming through a bank. But as Mr. Irvine was personally known at the Bank, after that the cashier had applied to the manager it was paid in cash, as above stated, ^ in the presence of Mr. Coffey, without any reference ~~to him whatever~~ personally to Mr. Coffey on the subject.

^ —he believes ^ by three notes ~~Stet~~.

^ on Mr. Irvine's own application

~~Later~~, In the same month of August (~~about the 16th of that month~~), ~~in consequence of~~ the Ameer, Mr. Butt, an interview ~~which took~~* place between ~~the Ameer, Mr. Butt,~~ Mr. Coffey, and the authorities of the Board of Control. ~~the Ameer determined to start for India. Mr. Butt subsequently there told~~ the Ameer, through ^ ~~Mr. Coffey, that inasmuch as at that time a despatch favourable to the Ameer's claims had been agreed to by the Board, and as he~~ (Mr. Butt) ~~had done a good deal of his portion of the work, he should, before proceeding to India to complete the settlement of the Ameer's affairs, require the payment of 3,000l. in cash, in order to effect arrangements here for insurances, &c., and the remaining 7,000l. in bills, making in all 10,000l., the amount claimed by him in respect of the two agreements~~; viz., 5,000 *l.* for his services in the House of Commons and with the Government, and 5,000 *l.* to go out to India to assist in carrying out the purport of the despatch from the Government. In consequence of this demand, on the 22d of August bills ^ ~~accepted by the Ameer to the amount of 2,000l. were discounted by the receipt grant of a cheque for 1,999l. drawn by the~~ Bank upon the ~~Bank~~, which cheque was delivered to Mr. his Highness. Butt by Mr. ~~Coffey~~. It was paid on the same day, in one note of 1,000 *l.*, one of 500 *l.*, one of 300 *l.*, and the balance in smaller change; ~~and these proceeds conveyed to a cab at the door of the Bank in which Mr. Butt was sitting~~.

* ~~had~~ took

~~the Ameer's departure for India was then discussed~~.

The Ameer's departure for India was then discussed. Mr. Butt subsequently told the Ameer, through Mr. Coffey, that a despatch favourable to the Ameer's claims had been agreed to by the Board, and as he (Mr. Butt) had done his part in England, he should, before proceeding further in the Ameer's affairs, require the amount of the original agreement to be doubled, as it would be necessary for him to proceed to India to see the terms of the despatch carried into effect. He, therefore, required 3,000 *l.* in cash, and 7,000 *l.* in bills, making in all 10,000 *l.*, the amount claimed by him in respect of the two agreements;

^ were drawn to the amount of 20,000 and odd rupees (equivalent to 2,000 *l.*), which sum was paid by a cheque on London the Joint Stock Bank ~~of London~~ for 1,999 *l.*

Appendix, No. 10.

My dear Sir James, 20, Savile-row, March 3, 1858.

Appendix, No. 10

I OBSERVE in the report of the proceedings before the Committee on Mr. Butt's case, of which you are Chairman, the following question put by you:—"Having enjoined secrecy on Mr. Vernon Smith as to your being the channel of communication with him, did you observe strict secrecy with regard to Mr. Vernon Smith's written communications with you?—*Witness.* I did." Now I cannot find any where in the report that Mr. Butt had stated what you here assume; but if he did, I totally deny that there was any such secrecy either asked or granted. Indeed it is quite contrary to the whole of the evidence, which shows that Mr. Butt came openly with Ali Moorad to the office, and was heard on his behalf, although I had not the slightest idea that he had any pecuniary interest.

Appendix, No. 10.

I have not been favoured with a copy of my evidence, which is usually given to witnesses before a Committee, but I am sure that no question was put to me as to this supposed secresy.

I am, yours very truly,

R. Vernon Smith.

(Addressed)

Immediate.

Right Honourable

Sir James Graham, &c. &c.

Committee 18,

R. Vernon Smith. House of Commons.

Madame, Brookes' Club, Monday, March 1.

My name having been mentioned in the course of the inquiry now pending on the Petition against Mr. Butt, with reference to a very serious charge, viz., that of your being a party to an attempt to extort money under the threat of publishing a defamatory libel upon myself and others, I think it due to you to state that upon an investigation of the circumstances referred to, I have reason to be convinced that no imputation of any kind should rest upon you with reference to this transaction, and that the explanation given by you to the Committee is correct, and which explanation has removed the impression I entertained when I mentioned the subject to the advisers of Mr. Butt, and authorised them to ask the questions which were put to you. I was prepared to give this explanation verbally to the Committee, but this letter may perhaps suffice.

I am, Madam, your obedient servant,

Edwin James.

To Mrs. Parr, 17, Old Bond-street.

(Addressed)

Mrs. Parr,
&c. &c.

Edwin James.

Appendix No. 11.

Sir, Vienna, 2 March 1858.

Appendix, No. 11.

In the report given in "The Times" of the 26th of February of the Proceedings of the Committee for inquiring into the charge against Mr. Isaac Butt, Mrs. Parr is stated to have used the following words:—"If Mr. Elliot has represented that in the conversation at Vienna I twice stated that Sir A. Cockburn had expressed an opinion that it was perfect madness to allow the Ameer to go out to India, I say deliberately that that statement is incorrect. Mr. Elliot has since acknowledged to me that he may have been mistaken."

These sentences may very possibly be inaccurately reported, but as above quoted they would convey a meaning not only incorrect, but so entirely contrary to the real facts of the case, that I take the liberty of addressing myself to you, sir, as Chairman of the Committee, in order to give them the most unqualified contradiction.

There was but one point upon which I admitted to Mrs. Parr that I might have been mistaken, which was in speaking of her as Mrs. Coffey; and to excuse myself for this blunder, I can only say that it was a very natural one under the circumstances in which I made her acquaintance. When, however, Mrs. Parr came to Vienna the second time, for the sole purpose, as she told both Sir Hamilton Seymour and myself, of clearing her character from the effects of my unfortunate mistake, I at once said I was ready to express my regret that she should have suffered annoyance from any error of mine. Mrs. Parr then endeavoured to persuade me that I had misunderstood all that had been said at my interview at the hotel with her and Mr. Coffey, as the latter had never said he distrusted the Ameer; but I told her in the plainest possible language that it was needless for us to discuss that question, as I had far too distinct a recollection of what had passed to admit that

that I could have been mistaken in the words I had attributed to Mr. Coffey (which words, I may remark, were written down by me within 10 minutes after they had been uttered). On this occasion, I likewise alluded to the expression she had stated Sir Alexander Cockburn to have made use of, and Mrs. Parr was so far from denying it that she at once admitted that she had all along had her suspicions of the Ameer's loyalty, and I cannot therefore but believe her evidence before the Committee to be misreported in the passage I have before quoted.

In any case, however, I am anxious to repeat my positive assertion that Mr. Coffey did express to me his belief that the Ameer would join whichever he considered the strongest side, and that he also listened and apparently assented to Mrs. Parr's remarks upon Sir A. Cockburn's opinion of the madness of allowing the Ameer to return to India; and I will merely add, in conclusion, that, so far from having acknowledged that I might have been mistaken, I have felt throughout that the language which had been made use of was so plain that it was not possible I should have misunderstood it.

I have the honour to be,
Sir,
Your most obedient humble servant,
Henry Elliot.

The Right Hon.
Sir James Graham, Bart.

I N D E X.

[*N.B.*—In this Index the Figures following the Names of the Witnesses refer to the Questions in the Evidence; those following *App. p.* to the Paging of the Appendix; and the Numerals following *Rep. p.* to the Paging of the Report.]

A.

AGENTS OF THE AMEER. Employment of both of witness's brothers on the Ameer's business, *E. L. Coffey* 235-243. 712-721——Witness was employed as secretary, *ib.* 244——Employment of Messrs. Hunt & Elsdale as solicitors, *ib.* 245, 246——Witness has been in England about four years; has acted, and still acts, as the agent of the Ameer, *Mirza Ali Ackbar* 919-928——Witness was introduced to the petitioner in June 1856, either by Mr. James Coffey or Mr. David Coffey, to both of whom he was previously known, *Butt* 1825-1828.

See also *Bills of Costs.* *Kelly, Right Hon. Fitzroy.* *Petitioner.*

Ali Ackbar (*Mirza*). (Analysis of his Evidence.)—Has been in England about four years; has acted, and still acts, as the agent of the Ameer Ali Moorad, 919-928——Translation of a letter received by witness from the Ameer when in Paris, in which Mr. Coffey is spoken of as a "son of Satan," &c., 929-931. 955——Statement in proof of the authenticity of this letter, as well as of a second letter received from the Ameer, from Trieste, though neither letter is signed or sealed by the Ameer, 932-988——Translation of the letter sent to witness from Trieste; strong complaint therein of Mr. Coffey's conduct in delaying the journey of the Ameer, 979.

Less cordial terms latterly between witness and Mr. Coffey, in consequence of his disrespectful conduct towards the Ameer, 989, 990——Reference to an unsatisfactory account of expenditure given to the Ameer by Mr. Coffey, and shown by the Ameer to witness, 991——Explanation as to a misconception between the Ameer and witness in regard to some money transactions; there was no dispute on the subject, 992-996.

Ali Ackbar. Recent interview between witness and Ali Ackbar, relative to some money due to her from the Ameer for an opera box and for a ring, *Parr* 1061-1068——Remarks of Ali Ackbar at this interview relative respectively to Mr. Butt and Mr. Coffey, *ib.* 1068-1070——Reference to a memorandum by Ali Ackbar charging Mr. Coffey with defalcations, and suggesting the adoption of a certain course in regard to the Ameer, *Mangles* 1329-1331——Circumstance of the memorandum not being signed or dated; conclusion nevertheless that it came from Ali Ackbar, *Sir George Clerk* 1787. 1793. 1800-1805——Bitter hostility between Ali Ackbar and Mr. Coffey, *Butt* 2032——Favourable testimony borne by Sir Charles Napier to Ali Ackbar, *ib.*

Ali Moorad Khan. Outline of the circumstances under which his Highness the Ameer Ali Moorad Khan came to England in 1857, with a petition for the recovery of property of which he had been deprived, *Roebuck* 1.

Translation of a letter from the Ameer to witness from Paris, and of one from Trieste, both complaining strongly of the conduct of Mr. Coffey; statement in proof of the authenticity of these letters, though neither of them is signed or sealed by the Ameer, *Mirza Ali Ackbar* 929-988.

Translation of the letters in Persian referred to by Ali Ackbar as having been received from Ali Moorad; accuracy in the main of Ali Ackbar's translation, *Prinsep* 1384-1387. 1398——Authenticity of these documents considered; the handwriting is very similar to that of a postscript written by the Ameer, but is not so exactly alike as to be certain proof of identity, *ib.* 1388-1398.

See also *Board of Control.* *Dalhousie, Lord.* *Defalcations.* *East India Company.* *Ellenborough, Lord.* *Loyalty of the Ameer.* *Memorial to East India Company.* *Money Arrangement.* *Parliamentary Services.* *Petitioner.* *Restoration of Lands, &c.* *Return of the Ameer.* *Turban Lands.*

Report, 1857–8—*continued.*

Anderson, Alexander. (Analysis of his Evidence.)—Manager of the Mercantile Bank of India, London and China, 2671, 2672——Grounds for concluding that a cheque for 300*l.*, drawn on the 12th August 1857, by the Ameer Ali Moorad, in favour of Mr. Butt, and cashed at the bank, was not a crossed cheque, 2673–2701——Course of exchange between England and Bombay; the discount upon 8,000*l.* drawn in bills on Bombay would not be very much, 2702–2707.

B.

Bills of Costs. Statement as to witness's brother David, who acted as solicitor for the Ameer, not having yet received any money on account of his bill of costs, *E. L. Coffey* 578–594——The fees of witness's brother James, who was employed as barrister, were included in the bill of costs of his brother David, and have not been paid, *ib.* 595–604——Witness considers that he would not be justified in laying before the Committee either the bill of costs of his firm against the Ameer, or certain expenditure accounts of Mr. Coffey given to the firm by the Ameer, *Elsdale* 1497–1509——Explanation as to witness having complained that Messrs. Hunt's bill had been paid by Ali Ackbar instead of by witness, as solicitor, *D. Coffey* 1764, 1765. 1773–1776——Witness, in writing to his brother at Paris that "all left behind seemed to think they had shared badly," did not refer to Mr. Butt, *ib.* 1769–1772.

Bills (or Promissory Notes). See *Money Arrangement*, 2.

Board of Control. Mr. Butt said that the Board of Control had compelled the Court of Directors to send the despatch by which certain lands were to be restored to the Ameer, *E. L. Coffey* 574–576. 619, 620——The conversation of witness and Mr. Butt about money, in or about July 1856, did not refer to negotiations with the Court of Directors or the Board of Control, *ib.* 686–689. 772–775——Until after the motion for papers in 1856, there were no negotiations with the Indian authorities, *ib.* 707, 708.

It was understood by the Court of Directors that the Board of Control were in favour of referring the claims of the Ameer to the Commissioner of Scinde, *Sir J. W. Hogg* 1219, 1220.

As President of the Board of Control witness was communicated with by Mr. Butt, on several occasions during the Session of 1857, relative to the case of Ali Moorad, *Right hon. R. V. Smith* 1511. 1517–1519——Doubt whether Mr. Butt had any important communication with witness in 1856; proceedings of Mr. Butt in Parliament adverted to hereon, *ib.* 1512–1516. 1551–1556. 1568–1570. 1617. 1624, 1625——Mr. Butt strongly and ably enforced the claims of Ali Moorad, and submitted a paper on the subject, urging more particularly the restoration of the Turban lands, *ib.* 1520–1525——Frequent practice of Members of Parliament to communicate with witness relative to the affairs of Indian princes, *ib.* 1520–1623. 1626–1629——Mr. Butt said nothing to witness about a compromise in the case of the Ameer, but said something about its being unadvisable to bring the case before the House of Commons, *ib.* 1522–1531.

Alteration by witness of a letter written by the Court of Directors to Ali Moorad, in answer to his memorial to them, *Right hon. R. V. Smith* 1532–1536——Different views of witness and of the Board of Directors in regard to the treatment of the Ameer; witness considered that he was clearly guilty of forgery in a treaty, and that he deserved punishment, but that having behaved well for seven or eight years he was deserving of some mitigation of the original sentence, *ib.* 1538–1540. 1581–1600——Witness wrote a private letter to Lord Elphinstone in accordance with the corrected reply sent to Ali Moorad; Mr. Butt was probably made aware by the 20th August of the despatch of this letter, as well as of the correction of the draft letter to Ali Moorad, *ib.* 1540–1550. 1605–1616—— Interview of witness with Ali Moorad, contrary to the wishes of the Court of Directors, who declined to receive him personally, *ib.* 1574. 1581–1584.

Probability of witness, in a private letter to Mr. Butt, having expressed a hope that he would not bring the matter forward in the House of Commons; explanation hereon, *Right hon. R. V. Smith* 1578–1580. 1604——In granting interviews to Members of Parliament, of the legal profession, witness had no idea that they, in advocating the claims of Indian princes, received fees as lawyers, or were compensated on the condition of their succeeding in their representations to witness, *ib.* 1630–1633. 1639–1641.

Inclination of Mr. Vernon Smith to take the same view of the Ameer's case that witness took, *Butt* 1878. 1883——Witness fully relied upon any adverse decision of the Court of Directors being overruled by the Board of Control; he had a strong assurance to that effect, *ib.* 1889. 1933. 2103–2106. 2340, 2341——The negotiation with the Board of Control commenced early in May, and terminated with the presentation of the memorial to the Court of Directors, *ib.* 1920–1922. 1931——It was considered at the Board of Control that any mitigation of the Ameer's sentence should take place through the Bombay Government, *ib.* 1923.

Outline of witness's negotiations with Mr. Vernon Smith, *Butt* 1933——Witness heard from Mr. Smith that he hoped to induce the directors voluntarily to arrange matters

Report, 1857-8—*continued.*

Board of Control—continued.

matters satisfactorily, *Butt* 1943——Reference to an interview at the Board of Control in July 1857, when Mr. Vernon Smith and Sir George Clerk gave assurances favourable to the Ameer if he at once returned to India, *ib.* 2191——It was early in May 1857 when witness first heard from Mr. Vernon Smith that he thought there would be some mitigation of the sentence, *ib.* 2402-2404——Witness understood that Mr. Smith wrote a private letter to Lord Elphinstone about the Ameer, *ib.* 2405-2407——Mr. Butt told witness that a certain despatch favourable to the Ameer had been promised, through his representations at the Board of Control, *Otway* 2450.

Resolution of the Committee that Mr. Butt did, in the period between June 1856 and September 1857, advise and assist the Ameer in prosecuting his claim, and had frequent interviews on the subject with the President of the Board of Control, *Rep. p.* iii.

See also *Confidential Communications. East India Company. Restoration of Lands, &c. Return of the Ameer. Surat, Nuwab of.*

Boyle, David. (Analysis of his Evidence.)—Member of the Irish bar; is well acquainted with Mr. Butt, 2476-2478——Towards the end of June 1857, Mr. Butt told witness he had been offered 10,000*l.* to go to India, relative to the affairs of an Indian prince, 2479-2485——Mr. Butt made no secret of the matter, and spoke of it to Dr. Stokes and to his friends generally, 2486-2488.

Butt, Isaac (Member of the House). (Analysis of his Evidence.)—Has been in Parliament since the beginning of 1852; 1824——Was introduced to the petitioner in June 1856, either by Mr. James Coffey or Mr. David Coffey, to both of whom he was previously known, 1825-1828——The first communication made to witness relative to the case of the Ameer was on the 20th or 21st June 1856, when Mr. David Coffey asked him to meet Mr. James Coffey at a consultation, 1829, 1830——The meeting between Mr. James Coffey and witness could hardly be termed a consultation; witness saw at once that Parliament was the only court of appeal, and suggested that something might be done through a petition by Ali Moorad to the House of Commons, 1831-1834.

Particulars connected with the preparation and presentation of the petition, 1835-1837. 1849, 1850——Absence of witness from London previously to the 4th July, when he gave notice in the House that he would call attention to the petition, 1838-1841——Further absence from London previously to moving for some papers on the 24th July; 1842, 1843——After moving for the papers, witness did nothing further in the matter in 1856; 1843. 1845-1847. 1859-1862——Reference to a consultation before the motion for papers, attended by Sir Fitzroy Kelly, Mr. Ayrton, and others, at which conclusions were arrived at contrary to witness's views, who considered that the case was then taken out of his hands, 1843-1847.

Witness emphatically denies the accuracy of Mr. Edward Coffey's statement that, in July 1856, witness said he was a poor man, and could not take up the Ameer's case unless he were paid for so doing, 1851-1855——Neither Mr. Coffey nor any one else on the part of the Ameer ever made any offer, in 1856, of a pecuniary reward to witness in the matter, nor had witness the slightest expectation of any such reward, 1855-1858——Parliamentary distinction was the main motive by which witness was actuated, 1855-1857.

Meeting between witness and the Ameer, in Dublin, in October 1856; nothing was then said about his affairs, 1863-1865——In February 1857, Mr. David Coffey asked witness, in Dublin, to attend a consultation in London, and gave him a cheque for twenty guineas; Sir Fitzroy Kelly and the other counsel at this consultation also received fees in the usual way, 1866-1868——Witness did not attend any other consultation, 1869——Nor did he take any step in Parliament in 1857; 1870.

The next occasion when the Ameer's case was brought before witness was about May, when the Ameer gave witness certain information which showed that he was entitled to the Turban lands, 1872-1875——Subsequently to this conversation, and after several interviews with Mr. Vernon Smith, witness, about the end of June, prepared a memorial to the Court of Directors, 1876-1878. 1883-1885——Feeling of the Ameer in favour of a compromise by the restoration merely of the Turban lands, 1877——Explanation as to its having been decided that witness should not present a petition to the House in 1857, *ib.*

Nature of the communications of witness with Mr. Vernon Smith; confidential character of the correspondence, which commenced about the end of May, 1877, 1878. 1885——Inclination of Mr. Smith to take the same view of the case as witness, 1878. 1883——Explanation as to witness's communication with Mr. Mangles being of a private character; this was towards the end of May, 1878-1882. 1885——Extracts from the memorial to the directors, showing the claims put forward, 1884——Delay in the presentation of the memorial, 1885. 1889.

After the news of the mutiny witness saw that any movement in Parliament would be ruinous, 1886——Suggestion of Mr. Vernon Smith that on the presentation of the memorial the Ameer should at once return to India, 1886-1890——There was a strong assurance that the memorial would in the main be complied with, 1889——Offer of the

Report, 1857–8—*continued.*

Butt, Isaac (Member of the House). (Analysis of his Evidence)—*continued.*

Ameer, through Mr. Coffey, in June 1857, to give witness 10,000*l.* if he would go with him to India, which offer witness for some time declined to accept, 1891–1899——Witness made no secret of this offer, 1896. 1899——Acceptance finally of the offer some time in July, 1899–1901.

Arrangement with Mr. Coffey that witness was to receive 3,000*l.* in cash before starting, and 7,000*l.* in bills, 1901——Explanation as to witness having asked for a cheque for 500*l.*, in order to test the Ameer's sincerity, and not in any way with reference to his having thrown up his brief in the case of Colclough *v.* Rossborough, 1902–1914——Reason why witness complained that the Ameer's cheque for 300*l.* (instead of 500*l.*) was crossed; cashing of the cheque adverted to thereon, 1914.

[Second Examination.]—Further reference to the crossed cheque for 500*l.*; there was no secret made in the matter by witness, 1915——Witness never said he would not for 1,000*l.* pay the cheque into his bank, *ib.*——The 300*l.* formed part of the total sum of 10,000*l.*; explanation hereon as to witness having subsequently received 2,000*l.*, and as to bill stamps for 8,000*l.* having been sent by Mr. David Coffey to be filled up by the Ameer, 1916–1919——The first proposition made to witness was that he should receive 5,000*l.* in money and 5,000*l.* in bills, 1919. 2108, 2109.

The negotiation with the Board of Control commenced early in May 1857, and terminated with the presentation of the memorial to the Court of Directors, 1920–1922. 1931——It was considered at the Board of Control that any mitigation of the Ameer's sentence should take place through the Bombay Government, 1923——Further statement relative to the proposition about witness going to India, to the effect that he did not accept until a day or two after the 24th July, 1924–1930.

During witness's negotiation with the Board of Control he considered himself perfectly entitled to say that he had the control of any Parliamentary movement, 1932——Outline of the nature of witness's negotiations with Mr. Vernon Smith, 1933——Witness told Mr. Smith he would be no party to a memorial to the directors unless it was sure of acceptance, *ib.*——Witness communicated the substance of what passed with Mr. Smith to Sir Fitzroy Kelly and Ali Moorad, 1934——The exact nature of the negotiations with Mr. Smith was understood to be confidential, 1934. 1939.

Explanation as to Mr. Coffey and Mrs. Parr having seen a letter from Mr. Vernon Smith, in which reference is made to the contingency of witness bringing forward the matter in Parliament, 1935–1937. 1940–1943——The letter referred to was in answer to one from witness, who had just heard that the memorial to the directors would be unfavourably received, and who wrote therefore strongly to Mr. Smith; witness has not copies of either of these letters, 1937–1940——Witness subsequently heard from Mr. Smith that he hoped to induce the directors voluntarily to arrange matters satisfactorily, 1943.

Evidence in explanation of what passed at witness's interviews with Sir James Hogg and Mr. Mangles, relative to proceedings in Parliament; there was not the slightest intention at this period of bringing the matter before Parliament, and witness never threatened to do so, 1944–1948.

When the Ameer left England it was understood that he was to travel as quickly as possible, 1949, 1950——Witness was to have left in September or October, 1951——First intimation which witness had that the journey of the Ameer was delayed, 1952——Communication to witness by Mr. Smith of the telegrams received from Vienna; this was about the 15th September, 1953, 1954——Mr. Smith did not show witness the memorandum of Ali Ackbar, charging Mr. Coffey with having received the sums of 300*l.* and 2,000*l.*, 1954.

Particulars as to witness having, after the news received through the telegrams, set out for Vienna and Trieste, accompanied by Captain Langley as interpreter, and Mr. Irwin, 1954, 1955—— Before starting witness saw Mr. Smith, who approved of his going, and gave him an introduction to Sir Hamilton Seymour, 1956——At Vienna Sir H. Seymour, and two gentlemen connected with the embassy, assured witness that Mr. Coffey had given the information forwarded in the telegrams, 1957——Strong remark made by witness to Sir H. Seymour as to the treachery of Mr. Coffey, 1958.

On Saturday the 27th September witness, having arrived at Trieste with Captain Langley and Mr. Irwin, had an interview with Mr. Coffey, at which the latter said that nothing of importance had occurred at Vienna, 1959–1963——Subsequent denial by Mr. Coffey before the Ameer of the statement imputed to him in the telegram; he afterwards gave the Ameer a written statement on the subject, 1964, 1965. 1978–1980. 1983——Anxiety of the Ameer to return to England in consequence of the telegrams, 1964. 1967. 1976——Telegraph by witness to the Board of Control, asking them to write to the Ameer, assuring him that they disregarded the telegram; copy of the letter subsequently received by the Ameer from the Board, 1967–1976.

Want of pre-arrangement by Mr. Coffey for the journey of the Ameer, and necessary postponement of his departure from Trieste, greatly to his pain and vexation, 1976–1978——Particulars

Report, 1857-8—*continued.*

Butt, Isaac (Member of the House). (Analysis of his Evidence)—*continued.*

——Particulars relative to the dismissal of Mr. Coffey from the service of the Ameer; part taken therein by witness, 1981–1988——Claim by Mr. Coffey from the Ameer of about 2,000 *l.* as due to him under agreement; refusal of the Ameer to admit the claim, 1989–1991——At the request of Mr. Irwin, witness wrote to Sir H. Seymour from Trieste, inquiring if there possibly could have been a mistake in regard to the information imputed to Mr. Coffey; replies to this letter; Mr. Coffey had left for Venice when they arrived, 1993–2003.

After the departure of Mr. Coffey, the Ameer earnestly entreated witness to go with him at once to India, and offered to settle 1,000 *l.* a year upon him if he would do so, 2004. 2013, 2014——Witness finally declined to go until the Ameer had consulted his son and friends in India; he wished to get off the engagement altogether, but is sorry to say it is still pending, 2004–2007. 2145——Mr. Irwin accompanied the Ameer, but witness would not allow any money arrangement in his case, 2004——Necessary stay of witness at Trieste till a few days before the Ameer left, in order to raise money for the expense of his journey; how this was done, 2008.

Circumstances under which witness wrote to Mr. James Coffey a full account of the matters which led to the dismissal of his brother, 2009, 2010—— Error in the copy of this letter before the Committee; witness did not say that Mr. Vernon Smith placed confidence in Mr. Edward Coffey, 2011, 2012——Part taken by witness in regard to the passage in the memorandum of Ali Ackbar, charging Mr. Coffey with having received the money really received by witness; reason why witness did not fully explain the matter at the Board of Control, 2015–2028.

Particulars connected with the receipt by witness of 1,999 *l.* from the Ameer, instead of 2,700 *l.* as witness had expected; part taken by Mr. Coffey in the matter, 2029–2031 ——Failure of an attempt by witness to communicate with the Ameer through Captain Langley, as well as through Mr. Coffey, 2029——Bitter hostility between Ali Ackbar and Mr. Coffey, 2032—— Statement by Ali Ackbar to witness, charging Mr. Coffey with defalcations, 2033.

Communication of witness with the Ameer, through Captain Keyes, relative to Ali Ackbar's statement about Mr. Coffey; confidence expressed by the Ameer in Mr. Coffey, 2033, 2034—— Communication of witness with the Ameer, through Captain Keyes, in which he (witness) said that any expenditure for Parliamentary support would be fatal to the cause, 2034——Complaint by the Ameer to witness at Trieste, through Captain Langley, that Mr. Coffey had induced him to express confidence in him at the interview when Captain Keyes was interpreter, 2034.

Witness was introduced to Mrs. Parr by Mr. Edward Coffey, who said she was a person of birth and education, 2035, 2036——Inaccuracy of Mrs. Parr's statement, that witness said he would take up the claims of native Indian princes, and make a fortune by so doing, 2037——Statement as to a recent interview between Mrs. Parr and witness, when he gave her a letter with a view to the removal of certain imputations which she had fancied was cast upon her character, 2037, 2038——On receiving this letter, Mrs. Parr said she would withdraw from the case, 2038.

Statement as to witness having heard, from a person entirely unknown to him, of the intended presentation of the petition on the Tuesday before it was presented; this person saw witness on two occasions, but he has no idea who it was, 2039–2060——Witness telegraphed for Mr. James Coffey in consequence of what was said by his unknown informant, 2045–2047. 2052–2054——Reference to two letters from witness to Mr. Roebuck, relative to the presentation of the petition; witness has not by him the answer of Mr. Roebuck, 2061–2069——Witness did not get any information from Mr. Holmes with respect to the petition or the imputation thrown out in the examination of Mrs. Parr, 2070–2072.

Witness never imagined that his acceptance of the proposition of the Ameer could be construed into a violation of his duty as a Member of Parliament, 2073——He consulted several friends on the subject, and always contemplated the publicity of the arrangement, *ib.*——He was not tempted merely by the sum offered; other considerations which weighed with him much more strongly, *ib.*

Further statement that witness's consent to go to India was given towards the end of July, 2074——Understanding of witness long before the 24th July, that his services in India would be required in completing the claims of Ali Moorad before the Indian Government, 2075–2106——Witness fully relied upon any adverse decision of the Court of Directors being overruled by the Board of Control, 2103–2106——Further reference to the mention made by witness of proceedings in Parliament during his conversation with Sir J. Hogg, 2146–2148.

[Third Examination.]—Witness cannot find Mr. Roebuck's letter in reply to witness's communication, relative to the presentation of the petition; outline of the contents of this letter, 2149–2151——Since his former examination, witness has ascertained that the

Report, 1857-8—*continued.*

Butt, Isacc (Member of the House). (Analysis of his Evidence)—*continued.*

person who informed him of the intended presentation of the petition did so as a friend, and was in no way connected with Mrs. Parr, 2152.

Witness again fixes the date of his determination to go to India as being a few days after the 24th July 1857; 2153-2155——It was early in August that witness asked for the 500 *l.* cheque in order to test the sincerity of the Ameer; and his non-attendance in Dublin, on the Colclough will case in July, had nothing to do with his asking for the cheque, 2156-2163——Further statement as to witness having been anxious immediately to cash the 300 *l.* cheque, 2164-2170. 2354-2357——Besides the sums received by witness from the Ameer and Mr. David Coffey, he has had some money from Mr. Edward Coffey, but this had no reference whatever to the Ameer, 2171-2177. 2299-2304.

When witness got 300 *l.* instead of 500 *l.* he was anxious to have the agreement put into writing, but some objection was raised by Mr. Coffey, 2178-2183——Delays in the departure of the Ameer and Mr. Coffey adverted to as having perplexed witness a good deal, and having led him to ask for the 500 *l.*; 2183-2191. 2202, 2203——Reference to an interview at the Board of Control in July, when Mr. Vernon Smith and Sir George Clerk gave assurances favourable to the Ameer if he at once returned to India, 2191——After this interview the Ameer was satisfied to return, 2192——Witness never promised the Ameer a copy of the despatch which was expected to be sent to India, 2193-2201.

Although the Ameer did not leave until he had an answer to his memorial to the Court of Directors, he had previously made arrangements for his departure, 2202-2208——Witness did not get the 2,000 *l.* until the day the Ameer left, but still expected he would leave on that day, 2209-2212——The 2,000 *l.* was promised to be given to witness at least a week before it was given, 2212. 2443——Further statement as to the first proposal having been that witness was to receive 5,000 *l.* in cash, and 5,000 *l.* in bills; this never assumed the shape of an arrangement, 2213-2221. 2293, 2294.

Arrangement that the bills were to be made payable in Bombay, and not in London, 2222-2227——Previously to witness having seen Mr. Coffey at Trieste, he had not made up his mind about his dismissal, as he hoped some satisfactory explanation might be forthcoming, 2228-2236——Witness did not gather from Sir Hamilton Seymour that he had ever seen Mr. Coffey, 2237-2240——Explanation as to Captain Langley having accompanied the Ameer to India as interpreter, 2241-2244——Further explanation as to Mr. Irwin, who is a connexion of witness, having accompanied the Ameer, 2244-2249.

A great deal was said at Trieste about witness going to India, but no arrangement was made, 2250, 2251——The Ameer still looks upon witness as bound to go, if necessary, 2252——If witness should not go, he will return the 2,300 *l.*; 2253-2257——At Trieste witness quite made up his mind if possible not to go, inasmuch as he looked upon the negotiation through Mr. Coffey as a tainted transaction, 2257, 2258. 2262, 2263——The Ameer was so anxious that witness should at once accompany him that he made him most liberal and unexpected offers, 2259-2265.

Grounds for inferring that the terms of the agreement about the 10,000 *l.* may not have been truly stated to the Ameer by Mr. Coffey, 2265-2272——Further statement in regard to Mr. David Coffey having enclosed bills for acceptance to the amount of 8,000 *l.*, although witness had already received 2,300 *l.*; 2273-2278——Reference to the date of the memorandum drawn up by Mr. Coffey at Trieste, and to the date when given to witness, 2279-2292.

Witness unequivocally denies that there was any arrangement or expectation that he was to be paid in the event of the matter being definitely settled in England either satisfactorily or unsatisfactorily, 2295-2298——He never received one penny, or expected one penny, except on the clear understanding that he was to go to India, 2296-2298.

Explanation of the extent to which witness enjoined secresy in his written and verbal communications with Mr. Vernon Smith; he looked upon his letters as private and confidential, and should have been surprised had they been placed upon official record, 2305. 2307-2314. 2338-2341——Stipulation of witness with Mr. Mangles that his communications should be looked upon as entirely confidential, 2305, 2306.

Further statement as to its having been settled that any Parliamentary proceedings in 1857 should be placed in the hands of Sir Fitzroy Kelly, and not of witness, 2315-2320——Reference to Mr. Hunt's bill of costs as showing that witness declined a general retainer, as he wished to be free to advocate the matter in Parliament, 2319——Respect in which it may be said that witness had in 1857 a right to assume the control of any Parliamentary proceedings, 2320-2330.

Further examination with reference to the evidence of Sir James Hogg and Mr. Mangles, and further denial that witness ever said he would bring the case forward in Parliament unless the memorial were speedily and favourably considered; words really used by witness, 2321-2337. 2413-2427. 2440.

Reasons why witness would not allow the memorial to the Court of Directors to be presented unless he had an assurance from the Board of Control that it would be favourably

Report, 1857-8—*continued.*

Butt, Isaac (Member of the House). (Analysis of his Evidence)—*continued.*

ably received, 2340, 2341——Witness has regarded as confidential the communications of Mr. Vernon Smith, having showed to Mr. Coffey one letter only, which was not of any importance, 2342-2345——Circumstance of witness having in September asked Mr. Smith for a cadetship, which was declined, 2346-2348——Further statement as to witness not having in London any of the letters from Mr. Smith, 2349-2353.

Witness again denies in the most positive manner (and wishes he could do so on his oath) that any offer of money was made to him through Mr. Coffey in July 1856, or at any other time before the proposal in 1857 to go out to India for the sum of 10,000 *l.*, 2358-2362. 2377-2399——In proof of the untruthfulness of Mr. Coffey's charge, witness asks the Committee to call for a written statement by Mr. Coffey given by him to the Parliamentary agent preparatory to the preparation of the petition, 2362-2367. 2399.

The first interview of witness with Sir J. Hogg was after an offer had been made about his going to India, 2368-2376——In April 1857, and again in June, witness first heard that the Ameer wished him to go to India, 2380-2384——Particulars connected with the offer of the 10,000 *l.*; 2385-2394——Witness repeats that he never said he would not for 1,000 *l.* pay the crossed cheque for 300 *l.* into his bank, 2400, 2401——It was early in May when witness first heard from Mr. Vernon Smith that he thought there should be some mitigation of the sentence, 2402-2404.

Witness understood that Mr. Smith wrote a private letter to Lord Elphinstone about the Ameer, 2405-2407——Whether a public despatch has been sent or not witness is not aware, but such despatch should have been sent, 2407-2410——It was not until after Mr. Vernon Smith had said the matter should be referred to the Bombay Government that witness was offered and accepted the 10,000 *l.* arrangement, 2408-2412——The payment of the 2,000 *l.* was a few days after the receipt by the Ameer of the reply to his memorial, but there was no connexion between the two, 2428-2433. 2442, 2443.

It was contemplated from the first, by witness and other advisers of the Ameer, that Parliament should be looked to as the last resource, or rather that it was the only real court of appeal open to him, 2434-2437——Remarks in justification of the mention by witness of a resort to Parliament in his interviews with Sir J. Hogg and Mr. Mangles, 2434-2441——Witness has ere this advocated private claims against Government, and in doing so has held out Parliament as the tribunal of ultimate resort; case in point, 2438-2441.

[Fourth Examination.]—In an interview with Mr. James Coffey, witness said he had taken steps which would prevent the memorandum of Ali Ackbar having the slightest weight at the Board of Control against his brother, 2708, 2709.

Butt, Mr., M.P. Resolution of the Committee that Mr. Butt did not, in or about the months of July or August 1856, enter into the corrupt agreement set forth in the petition, *Rep. p.* iii—— Nor have divers sums been paid to Mr. Butt in pursuance of such agreement, *ib.*

See also *Board of Control.* *East India Company.* *Money Arrangement.* *Parliamentary Services.*

C.

Cadetship. Circumstance of witness having, in September 1857, asked Mr. Smith for a cadetship, which was declined, *Butt* 2346-2348.

Character of Witnesses. Examination as to Mrs. Parr and her son having met the Ameer and witness at Paris, having stayed at the same hotel with them at Vienna, and having subsequently been at Trieste for a few days, *E. L. Coffey* 359-382——Before returning to England, witness met Mrs. Parr at Venice, but parted from her there, *ib.* 383-387. 392-397——Mrs. Parr is an old friend of witness's family, and is a highly respectable person, *ib.* 388-391——Since witness's return he has been living in London, but not with his wife, from whom he is separated, *ib.* 398-406——Further explanation as to the capacity in which Mrs. Parr was in the company of the Ameer and witness at Paris and Vienna, *ib.* 633-655.

Witness is a married person, her husband being now in Hanwell Asylum, *Parr* 798, 799——Was introduced to the petitioner, Mr. Edward Coffey, in 1856, and by him to the Ameer Ali Moorad, *ib.* 802, 803——The Ameer frequently came to witness's house in Bond-street, where she carries on business in opera boxes, *ib.* 804-807——Witness was frequently employed in executing commissions for the Ameer during his stay in London, *ib.* 808, 809.

Explanation as to witness and her son having by pre-engagement met the Ameer in Paris, where she had several commissions to execute for him, *Parr* 821-827——Without reference to the Ameer, witness was on the point of setting out for Germany to place her sons in some college there, *ib.* 821——Particulars connected with witness's journey from Paris to Vienna in company with the Ameer and Mr. Coffey, *ib.* 828-836. 902-907.

Report, 1857-8—*continued.*

Character of Witnesses—continued.

1038–1044——On arrival at Vienna witness stayed at the same hotel as the Ameer, but in different parts of the building, *Parr* 837 841.

Statement as to witness having, after her return to this country, gone a second time to Vienna in order to take measures for clearing her character from certain aspersions which appeared in a letter from Mr. James Coffey to Mr. Edward Coffey, *Parr* 855–865—— Particulars as to interviews of witness at Vienna with Mr. Hamilton Seymour, Mr. Elliot, and Mr. Gould; reference to letters of explanation hereon from Mr. Elliot and others as to his mistake in speaking of witness as Mrs. Coffey, *ib.* 866-873——Circumstance under which witness in going on the first occasion from Vienna to Venice stayed at Trieste for a few days, where she saw Mr. Coffey, and heard that Mr. Butt was expected, *ib.* 908–911—— Communication by witness, on her second return to England, of the results of her journey to Mr. Vernon Smith, *ib.* 912, 913——Explanation as to witness, when at Venice on her first journey, having had an interview there with Mr. Coffey, *ib.* 915-917.

Mr. Coffey was not on particularly intimate terms with witness, *Parr* 1025–1028—— Witness let an opera box to the Ameer when in London, and executed commissions for him at Paris and Vienna, *ib.* 1032, 1033——Statement as to witness not having found a suitable college for her son in Dresden, as she had hoped, and having eventually placed him at some college in Austria, *ib.* 1034–1037. 1071–1081——Explanation as to witness carrying on business in the name of a sister who assisted to establish it, *ib.* 1104-1112.

Examination relative to witness's connexion in 1854 with a document defamatory of the character of several persons of distinction, which document was threatened to be published by a lady, an acquaintance of witness; no blame was attributed or attributable to witness in this matter, *Parr* 1113–1155——Belief that this imputation is founded on information obtained from Mr. Holmes, *ib.* 1116——Inaccuracy of the foregoing impression, *Butt* 2070–2072——Circumstance of Mrs. Coffey having recently come to witness's house in search of her husband, *Parr* 1156–1165.

Witness was introduced to Mrs. Parr by Mr. Edward Coffey, who said she was a person of birth and education, *Butt* 2035, 2036 ——Statement as to a recent interview between Mrs. Parr and witness, when he gave her a letter with a view to the removal of certain imputations which she fancied was cast upon her character, *Butt* 2037, 2038, and *App. p.* 13.

Inaccuracy of an imputation conveyed in an enclosure forwarded by Mr. Butt from Trieste, that witness's brother Edward was travelling with a lady with whom he lived as his wife, *J. C. Coffey* 2595. 2607, 2608.

Mention in Mr. Elliot's memorandum of 4 October 1857 of Mrs. Parr under the name of Mrs. Coffey, *App. p.* 6——Letters from Mr. Elliot to Mrs. Parr, dated 30 November 1857 and 22 December 1857, regretting his mistake in referring to her as the wife of Mr. Coffey, *ib.* 13, 14 ——Letter from Sir H. Seymour to Mrs. Parr, dated 1 December 1857, referring to the mention of her as Mrs. Coffey, as being unintentional and unimportant, *ib.*——Letters from Mr. Gowran Vernon to Mrs. Parr, dated India Board, November 1857, relative to her complaint as to her being spoken of as Mrs. Coffey, *ib.* 14.

Letter from Mr. Edwin James to Mrs. Parr, dated 1 March 1857, referring to the imputation thrown out in her cross-examination, relative to the publication of a libellous document as having been founded on information supplied by him, and stating his belief that her explanation frees her from the imputation, *App. p.* 22.

See also *Preparation and Presentation of Petition.*

Clerk, Sir George, K. C. B. (Analysis of his Evidence.)—Is permanent Secretary to the Board of Control, 1777——Explanation as to witness having forwarded to Mr. Butt the memorandum by Ali Ackbar, charging Mr. Coffey with having had certain sums of money from the Ameer Ali Moorad, without accounting for them, 1778, 1779. 1787–1796. 1810–1812——Statement that Mr. Butt told witness Mr. Coffey was misappropriating money belonging to the Ameer, but did not tell him that it was he (Mr. Butt) and not Mr. Coffey who had had the sums of money referred to in the memorandum of Ali Ackbar, 1780–1786. 1812–1820.

Circumstance of the memorandum not being signed or dated; conclusion nevertheless that it came from Ali Ackbar, 1787. 1793. 1800–1809——Impression that Mr. Butt did not acknowledge the receipt of the memorandum, 1794, 1795. 1821——Statement as to some letters from Mr. Butt to the Board of Control not having been preserved, 1795–1799. 1822.

Coffey, David. (Analysis of his Evidence.)—Solicitor in Dublin; is brother of the petitioner, 1399–1401——As having been solicitor for the Ameer Ali Moorad, is reluctant to give any evidence which may in any way affect his interests, 1402, 1403 ——About June 1856, witness retained Mr. Butt on the part of the Ameer, and solicited his advocacy of the case in Parliament, 14041410——There was a consultation in June with

Report, 1857-8—*continued.*

Coffey, David. (Analysis of his Evidence)—*continued.*

with reference to the presentation of a petition to Parliament, upon which occasion Mr. Butt received a fee of five guineas from witness, 1411-1433.

Witness explains, that in engaging Mr. Butt, no actual retainer was given, nor was there any agreement that he was to be paid for his services, 1433-1444. 1451-1453——Mr. Butt told witness that he was to be paid 10,000 *l.* for going to India, and that he had received 2,000 *l.* of the amount, 1445-1447——Witness never heard of any agreement having been entered into between his brother Edward and Mr. Butt, 1448-1450.

Mr. Butt was introduced by witness to his brother Edward some time in June, 1454-1456——Witness's brother James, was at the consultation for which Mr. Butt got five guineas, 1458-1461——Reference to sundry other consultations about the Ameer's case; there were several at Sir Fitzroy Kelly's, for which he was paid the usual fees by Messrs. Hunt, solicitors employed by witness, 1462-1481——Explanation as to witness having given Mr. Butt a cheque for 20 *l.* or 25 *l.*, for leaving Dublin to attend a consultation in London, 1482-1493.

[Second Examination].—The consultation for which Mr. Butt received the fee of five guineas had reference exclusively to the petition to Parliament, 1707-1709——Besides the fee of five guineas, the only fee paid by witness to Mr. Butt was that for 20 *l.*, given in Dublin, with a view more especially to his travelling expenses, 1710-1716——Circumstance of Mr. Butt having told witness that a despatch was to be forwarded to India, by which the Ameer should receive back a portion of his territory, and a compensation of 45,000 *l.* for certain forts, &c., 1717-1727.

Particulars connected with the enclosure by witness of three bill stamps to his brother at Paris, to be filled up by the Ameer, in favour of Mr. Butt, for 8,000 *l.*, 1728-1763——Reason why witness, and not Mr. Butt, forwarded the bill stamps, 1747-1757——Explanation as to witness having complained that Messrs. Hunt's bill had been paid by Ali Ackbar, instead of by witness as solicitor, 1764, 1765. 1773-1776——Date when witness knew that Mr. Butt was going to India, 1766-1768——Witness, in writing to his brother at Paris that "all left behind seemed to think they had shared badly," did not refer to Mr. Butt, 1769-1772.

Coffey, Edward Lees. (Analysis of his Evidence.)—Was for several years Postmaster-general in Scinde, at a salary of 1,000 *l.* a year, 2-5——Gave up the appointment in 1856, in order to accompany the Ameer Ali Moorad Khan to this country, and assist him in the recovery of his property, 4-6——Was to receive, under agreement, 3,000 *l.* from his Highness unconditionally, and was further promised 1,000 *l.* a year for life if the property were recovered, 6-17——Before leaving India, witness was to receive 1,000 *l.* as one instalment of the 3,000 *l.*; he got, however, only 500 *l.* in India, and about 500 *l.* more in England, 7. 18, 19.

Introduction of witness by his brother David to Mr. Butt in 1856 with reference to the case of Ali Moorad, 20-26——In June 1856 a petition by Ali Moorad was presented to the House of Commons by Mr. Butt, 27——Subsequently to the presentation of the petition, and before moving for some papers in July, Mr. Butt told witness that he was a poor man, and could not undertake properly to conduct the matter unless the Ameer assisted him in his expenses, 29, 30——The Ameer authorised witness to tell Mr. Butt that he should have 5,000 *l.* if successful in recovering the property, with which arrangement Mr. Butt expressed himself satisfied, 30-34.

In July or August 1857 Mr. Butt said that if, in consequence of a certain Government despatch about to be forwarded to India concerning the Ameer's property, he (Mr. Butt) were obliged to go to India to complete the matter, he would require 5,000 *l.* more; this was agreed to by the Ameer, 35-41——Reference to a letter from Mr. Vernon Smith to Mr. Butt about July 1857, relative to a motion of which Mr. Butt had given notice, 42-50.

Statement as to the Ameer having in August 1857 given Mr. Butt a crossed cheque for 300 *l.*; this was in order to prevent Mr. Butt from going to Ireland on professional business, for abandoning which, Mr. Butt wanted 500 *l.*, 51-54——Circumstance of Mr. Butt's name not having appeared in the cheque which was written by witness, 53——Particulars as to the cashing of the 300 *l.* cheque to Mr. Irwin, Mr. Butt's secretary, at the Mercantile Bank of India, 54-61. 65-67——Mr. Butt said he would not for 1,000 *l.* pay the cheque into his bank, 54.

On its being determined that the Ameer should go to India, he agreed to pay Mr. Butt 3,000 *l.* beforehand, and the remainder of the 10,000 *l.* in India, 62, 63——Particulars as to the Ameer having subsequently declined to pay 3,000 *l.* before leaving England, and having instead given Mr. Butt a cheque for 2,000 *l.*, or rather for 1,999 *l.*, drawn by the manager of the Mercantile Bank of India upon the London Joint Stock Bank, 64. 68-88——Witness has since ascertained the numbers of the notes given to Mr. Butt for the cheque, 89.

Report, 1857-8—*continued.*

Coffey, Edward Lees. (Analysis of his Evidence)—*continued.*

Statement as to witness, when in Paris with the Ameer, having received on the 24th August a letter from his brother David, enclosing three stamps, to be filled up by the Ameer in favour of Mr. Butt for a total sum of 8,000 *l.*, 90-118——Reference to a letter and enclosures sent by Mr. Butt from Trieste to witness's brother James, dated 3d October, and marked "Confidential," 119-134——Whilst witness and the Ameer were at Trieste, Mr. Butt, Captain Langley, and Mr. Irwin arrived, and, in consequence of certain transactions subsequently, witness left the Ameer, 136-138.

Examination relative to the written agreement between the Ameer and witness; payment was not conditional upon witness serving him faithfully, 139-146. 152——Witness has still a claim of more than 3,000*l.* against the Ameer, more than 1,000*l.* being for money paid by witness on his account, 147, 148. 158-170——The Ameer did not refuse to pay witness anything more, nor dismiss him from his service, but Mr. Butt did so in his name, 149-158——Reasons assigned by Mr. Butt for dismissing witness; comment on his conduct to witness in the matter, 171-182. 204-208.

Examination relative to a telegram forwarded by Sir Hamilton Seymour from Vienna on the 8th September to the effect that witness imputed disloyalty to the Ameer, and offered, if thought desirable, to induce him to defer his journey to Scinde; witness denies that in conversation with Mr. Gould or Mr. Elliot, of the embassy at Vienna, he imputed any disloyalty to the Ameer, 180-203——Witness thought, however, that the arrival of the Ameer at Bombay during the Mohurrun might be very inexpedient, 202.

Reference to some letters written by witness to his brothers, in which he complained of his treatment by Mr. Butt, 205-212——Explanation relative to letters from witness to Mr. Vernon Smith in November, December, and January last relative to the treatment he had experienced from Mr. Butt, 205. 213-221——Witness did not communicate to his brothers the agreement about the payment of 5,000*l.* or 10,000*l.* to Mr. Butt, 222-226.

Mr. Butt was introduced to witness before the presentation of the Ameer's petition, 227-228——Intimacy between witness's brother James and Mr. Butt, 229-234——Employment of both of witness's brothers on the Ameer's business, 235-243——Witness was employed as secretary, 244——Employment by witness's brother David of Messrs. Hunt as solicitors for the Ameer, 245, 246——Messrs. Hunt were never instructed by the Ameer to sue witness, 247, 248.

Further statement relative to the first intimation from Mr. Butt to witness that he should require to be paid for his services; it was frequently spoken of, 249-256——Communication by witness to Mr. Butt of the Ameer's consenting to certain terms further adverted to; no third party was ever present on these occasions, 257-268——The first money paid to Mr. Butt was on the 12th August 1857; 269, 270——Particulars as to some consultations with Sir Fitzroy Kelly when Mr. Butt was present; doubt as to Mr. Butt having been offered a fee for attending any consultation before 1857, when he received one through witness, 271-293.

[Second Examination.]—Witness delivers in a memorandum of the agreement between the Ameer and himself relative to his remuneration; explanation hereon, 294-301——The 15th February 1857 was the date on which witness drew a cheque for 20*l.* as a consultation fee for Mr. Butt, 302-305——It was arranged, about July 1857, that the Ameer should return to Scinde, and Mr. Butt and Mr. Vernon Smith advised that he should get back as soon as possible, 306-310——Witness and the Ameer left London on the 22d August, and arrived at Trieste on the 11th September; examination hereon as to their not having reached Trieste in time for the packets of 27th August or 10th September, 311-358.

Examination as to Mrs. Parr and her son having met the Ameer and witness at Paris, having stayed at the same hotel with them at Vienna, and having subsequently been at Trieste for a few days, 359-382——Before returning to England, witness met Mrs. Parr at Venice, but parted from her there, 383-387. 392-397——Mrs. Parr is an old friend of witness's family, and is a highly respectable person, 388-391——Since witness's return he has been living in London, but not with his wife, from whom he is separated, 398-406.

Witness's first interview with Mr. Roebuck was about eight or ten days ago, 407——Presence of Mrs. Parr at one or two of the interviews with Mr. Roebuck, she being anxious for the presentation of the petition, in order to clear herself from an aspersion that witness had introduced her at Vienna as his wife, 408-425. 473——Witness suspended proceedings on the receipt of a certain letter from his brother James, early in November, until he had seen Mrs. Parr; extent to which the proceedings had gone at this period, 425-441. 474-481.

Examination relative to a memorandum, written by witness at Trieste, of his recollection of what passed at Vienna during his interviews with the members of the embassy, 442-461——With regard to a communication between Sir Hamilton Seymour and Mr. Butt, as to what witness had stated to Mr. Elliot, it was not intended that witness should

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Report, 1857-8—*continued.*

Coffey, Edward Lees. (Analysis of his Evidence)—*continued.*

be recalled if the explanation should be favourable, 462-465——Witness did not say anything about the Mohurrun festival in his conversation with the members of the embassy, and did not say that Bombay was in a state of insurrection, 466-472.

Nature of the statements laid by witness before Mr. Roebuck at his interviews with him, 482-484. 516-520——Employment by witness, after seeing Mr. Roebuck, of Mr. Holmes as Parliamentary agent, by whom his petition was drawn up, 485-492. 510-515——The proceedings are all founded upon the statements in witness's letter to Mr. Vernon Smith on the 25th November; this letter read; it was drawn up by witness and Mr. Hale, a barrister, 493-509.

Explanation as to the term "cash safe," in a telegram sent by witness to Mr. Butt, from Trieste, on the 15th September, 521-529——Witness had lodged a cheque for 100 *l.* for the passage from Trieste to Alexandria; but after Mr. Butt's arrival there, it was returned, 530-537——Private reasons mentioned by Mr. Butt for requiring 3,000 *l.* in cash before he went to India, 538-546——The arrangement for the second 5,000 *l.* was made on its being understood from Mr. Butt that, through his instrumentality, a despatch was about to be sent to India, ordering certain lands to be restored to the Ameer, and a large sum of money for some forts, 547-572.

Witness was given to understand, that if the despatch were not forwarded, he would have to repay the Ameer the 2,000 *l.* given to Mr. Butt, 557-560——The Ameer and witness understood that the arrangement with Mr. Butt was to embrace his Parliamentary services, and that the despatch was obtained through that arrangement, 564-576——Mr. Butt said that the Board of Control had compelled the Court of Directors to send the despatch, 574-576. 619, 620.

Statement as to witness's brother David, who acted as solicitor for the Ameer, not having yet received any money on account of his bill of costs, 578-594——The fees of witness's brother James, who was employed as barrister, were included in the bill of costs of his brother David, and have not been paid, 595-604——As regards the retaining of Mr. Butt, witness never paid any fee, except the 20 *l.* for the consultation with Sir F. Kelly, 605-609. 613-618——Mr. Butt never has acted professionally, and always gave witness to understand that Members of Parliament, and not lawyers, were required in the matter, 609-612.

Reference to an interview at the Board of Control, about August 1857, at which the Ameer and witness were introduced by Mr. Butt, when Mr. Vernon Smith stated that it was desirable the Ameer should go to India forthwith, 621-632. 779——Further explanation as to the capacity in which Mrs. Parr was in the company of the Ameer and witness at Paris and Vienna, 633-655——Witness saw Mr. Elliot and Mr. Gould only once, and only for a few minutes, 656-662.

Further statement as to the Ameer having told witness that if the despatch were not sent, he must forfeit the 2,000 *l.* paid to Mr. Butt, 665-669——Impression of the Ameer that the despatch had gone, 667. 669——Witness expects to get from the Ameer the 3,000 *l.* due to him, notwithstanding the representations of Mr. Butt to the Ameer, 668, 669.

Until after the presentation of the petition, in June 1856, there was no conversation between Mr. Butt and witness about money, 670, 671——Actual steps taken by Mr. Butt in Parliament up to the 24th July 1856; doubt whether, since that date, he has taken any further steps in calling for papers, &c., 672-682. 702-705——Witness is positive that the first conversation with Mr. Butt took place before the motion for papers on the 24th July; examination as to his grounds for this conviction, 683. 691-700. 722-733. 763-771.

Further account of the conversation with Mr. Butt, when he said that he should require to be paid for devoting his time and labour in carrying the Ameer's case through Parliament; examination as to the actual words used by Mr. Butt on this occasion, 684-690. 701. 706. 734-742. 772-775——The conversation in question did not refer to negotiations with the Court of Directors or the Board of Control, 686-689. 772-775——Until after the motion for papers, there were no negotiations with the Indian authorities, 707, 708.

Further reference to the circumstance of no money having been paid to Mr. Butt till August 1857, 709-711. 776-778——Employment of witness's brother James further adverted to, 712-721——Explanation as to witness not having put Mr. Butt's name in the cheque for 300 *l.* given to him by the Ameer, 743-753——As regards the Ameer's statement, that witness was constantly making excuses for delaying his journey to India, witness states that allowance was not made for the difficulty of getting money on account of the Ameer, 754.

Witness further denies the accuracy of Mr. Elliot's version of what witness stated to him at Vienna, 755-761——The principal object of witness's petition is to clear away the imputation made to the Board of Control that he had received 2,300 *l.*, 762——The arrangement about the second 5,000 *l.* to Mr. Butt for going to India was not made so

Report, 1857-8—*continued.*

Coffey, Edward Lees. (Analysis of his Evidence)—*continued.*

early as July 1856, at which date it was hoped that everything would be settled in this country, 780.

Coffey, Mr. E. L. See *Petitioner.*

Coffey, James Charles. (Analysis of his Evidence.)—Is member of the Irish Bar; is well acquainted with Mr. Butt, 2516–2520——On the 23d or 24th June 1856 came to London, in order to confer with his brothers, Mr. David Coffey and Mr. Edward Coffey, and Mr. Butt, relative to the case of the Ameer Ali Moorad, 2521–2532——On arrival, witness at once saw Mr. Butt, and it was arranged that a petition on the subject should at once be prepared for Parliament; the necessary books and papers had previously been in the hands of Mr. Butt, 2527. 2532–2534.

Mr. Butt, witness's brothers, and himself were the only persons consulted for the Ameer until after the presentation of the petition, 2536–2539——Witness took some part in the preparation of the petition, but the ability of that document is entirely due to Mr. Butt, 2540. 2546, 2547——No retaining fee was paid to witness relative to the petition, nor was he aware at the time that Mr. Butt received any fee on that occasion, 2541–2545——The petition was subsequently circulated among the Members of Parliament, and Mr. Butt afterwards moved for some papers in the House, 2548, 2549.

Until recently witness never heard from either of his brothers of any money arrangement between the Ameer and Mr. Butt, 2550–2555. 2566–2568——In 1856 nothing was ever said to witness by Mr. Butt about any money arrangement, 2556——Explanation as to witness having brought to Mr. Butt, from London, in February 1856, the cheque for 20 *l.* for his leaving Dublin to attend some consultation about the Ameer's affairs, 2556–2558. 2569——Statement by Mr. Butt to witness, in the beginning of August last, that he had arranged to go to India, and was to receive 3,000 *l.* in cash, and 7,000 *l.* in bills; witness understood it was a recent arrangement, 2559–2563. 2570–2572.

Revival recently of affectionate feelings between witness and his brother Edward, 2564, 2565——Witness never heard from his brother Edward of any arrangement with Mr. Butt in 1856; 2566–2568——Reference made by witness's brothers in conversations with him, in August 1857, to the arrangement entered into by Mr. Butt, 2572–2577. 2580. 2634——Nothing said by Mr. Butt, in August 1857, led witness to infer that the 10,000 *l.* was partly in return for past services, 2578, 2579——Neither Mr. Butt nor witness's brother Edward ever said that the arrangement had any reference to Parliamentary services, 2581, 2582.

Strong and painful feeling entertained by witness in regard to the conduct of his brother, on the receipt of Mr. Butt's letter from Trieste, in October 1857, and after subsequent personal communication with Mr. Butt, 2583–2585——Facts have since come to light more favourable to his brother's character, 2584. 2595 *et seq.*——Witness produces a corrected copy of Mr. Butt's letter from Trieste; explanation as to his having omitted a certain passage which appears in the original, 2586–2594.

Inaccuracy of an imputation conveyed in an inclosure forwarded by Mr. Butt from Trieste, that witness's brother Edward was travelling with a lady with whom he lived as his wife, 2595. 2607, 2608——The other false imputation which led witness to condemn his brother was the memorandum of Ali Ackbar, falsely charging him with defalcation, 2595——Complaint in regard to Mr. Butt's conduct with reference to the charge of Ali Ackbar's memorandum that witness's brother had received, and had not accounted for a sum of 2,000 *l.*; Mr. Butt assured witness that this matter had been set right by him at the Board of Control, whereas such was not the case, 2595–2606. 2609. 2621–2633.

Reference to a letter received by witness from Mr. Irwin in September 1857; erasure in this letter explained; explanation also of a passage relative to Mr. Butt, 2610–2620.

Confidential Communications. In May 1857 witness had a letter from Mr. Butt on the Ameer's case; by Mr. Butt's request, as witness believes, he destroyed this letter, and did not mention Mr. Butt's name to his colleagues, *Mangles* 1317–1322. 1342–1346——Statement as to some letters from Mr. Butt to the Board of Control not having been preserved, *Sir George Clerk* 1795–1799. 1822.

Nature of the communications of witness with Mr. Vernon Smith; confidential character of the negociations and correspondence, which commenced about the end of May 1857, *Butt* 1877. 1878. 1885. 1934. 1939——Explanation as to witness's communication with Mr. Mangles being of a private character; this was towards the end of May, *ib.* 1878–1883. 1885. 2305, 2306——Witness communicated the substance of what passed with Mr. Smith to Sir Fitzroy Kelly and Ali Moorad, *ib.* 1934.

Explanation as to Mr. Coffey and Mrs. Parr having seen a letter from Mr. Vernon Smith, in which reference is made to the contingency of witness bringing forward the matter in Parliament, *Butt* 1935–1937. 1940–1943——The letter referred to was in answer to one from witness, who had just heard that the memorial to the directors would

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Report, 1857-8—*continued.*

Confidential Communications—continued.

be unfavourably received, and who wrote therefore strongly to Mr. Smith; witness has not copies of either of these letters, *Butt* 1937–1940——Belief that the letter in question, together with some others, is by mistake on its way to India, *ib.* 1938.

Further explanation as to the extent to which witness enjoined secresy in his written and verbal communications with Mr. Vernon Smith; he looked upon his letters as private and confidential, and should have been surprised had they been placed on official record, *Butt* 2305. 2307–2314. 2338–2341——Both with Mr. Mangles and Mr. V. Smith witness made it an express stipulation that nothing which he said or did should ever be used to the prejudice of the Ameer, *ib.* 2305. 2341——Witness has regarded as confidential the communications of Mr. Vernon Smith, having showed to Mr. Coffey one letter only, which was not of any importance, *ib.* 2342–2345——Further statement as to witness not having in London any of the letters from Mr. Smith, *ib.* 2353.

Letter from Mr. Vernon Smith to the Chairman of the Committee, dated 3d March 1858, with reference to and in denial of a statement that Mr. Butt had enjoined secresy upon him in the matter of his communications about the Ameer's case, *App. p.* 22, 23.

Consultations. The first communication made to witness relative to the case of the Ameer was on the 20th or 21st June 1856, when Mr. David Coffey asked him to meet Mr. James Coffey at a consultation, *Butt* 1829, 1830——The meeting between Mr. James Coffey and witness could hardly be termed a consultation; witness saw at once that Parliament was the only real court of appeal, and suggested that something might be done through a petition by Ali Moorad to the House of Commons, *ib.* 1831–1834.

On the 23d or 24th June 1856 witness came to London, in order to confer with his brothers, Mr. David Coffey and Mr. Edward Coffey, and Mr. Butt, relative to the case of Ali Moorad, *J. C. Coffey* 2521–2532——Mr. Butt, witness's brothers, and himself were the only persons consulted for the Ameer until after the presentation of the petition, *ib.* 2536–2539.

See also *Fees on Consultation.*

Corrupt Agreement. See *Board of Control. Confidential Communications. East India Company. Money Arrangement. Parliamentary Services.*

Court of Directors. See *East India Company.*

D.

Dalhousie, Lord. Lord Dalhousie considered the sentence upon the Ameer a severe one, *Right Hon. R. V. Smith* 1586; *Butt* 1883.

Defalcations. Witness complains that Mr. Butt did not tell Mr. Vernon Smith that it was he (Mr. Butt), and not witness, who got the 300*l.* and 2,000*l.* from Ali Moorad, referred to in a memorandum by Ali Ackbar, *E. L. Coffey* 213——Messrs. Hunt were never instructed by the Ameer to sue witness, *ib.* 247, 248——The principal object of witness's petition is to clear away the imputation made to the Board of Control that he had received 2,300*l.*, *ib.* 762.

Translation of a letter received by witness from the Ameer when in Paris, in which Mr. Coffey is spoken of as a "son of Satan," *Mirza Ali Ackbar* 929–931. 955——Reference to an unsatisfactory account of expenditure given to the Ameer by Mr. Coffey, and shown by the Ameer to witness, *ib.* 991——Explanation as to a misconception between the Ameer and witness in regard to some money transactions; there was no dispute on the subject, *ib.* 992–996.

Explanation relative to the memorandum forwarded to Mr. Butt of a statement by Ali Ackbar accusing Mr. Coffey of defalcations, *Right Hon. R. V. Smith* 1647–1660; *Sir G. Clerk* 1778, 1779. 1787–1796. 1810–1812——As regards a statement in this memorandum, that Mr. Coffey had received from the Ameer two sums of 300*l.* and 3,000, Mr. Butt did not explain that it was he who had received these sums, *Right Hon. R. V. Smith*, 1660. 1663——Statement that Mr. Butt told witness Mr. Coffey was misappropriating money belonging to the Ameer, but did not tell him that it was he (Mr. Butt), and not Mr. Coffey, who had the sums of money referred to in the memorandum of Ali Ackbar, *Sir Geo. Clerk* 1780–1786. 1812–1820——Impression that he (Mr. Butt) did not acknowledge the receipt of the memorandum, *ib.* 1794, 1795. 1821.

Mr. Smith did not show witness the memorandum of Ali Ackbar, charging Mr. Coffey with having received the sums of 300*l.* and 2,000*l.*, *Butt* 1954——Part taken by witness in regard to the passage in the memorandum charging Mr. Coffey with having received the money really received by witness; reason why witness did not fully explain the matter at the Board of Control, *ib.* 2015–2028——Statement by Ali Ackbar to witness charging Mr. Coffey with defalcations, *ib.* 2033.

Report, 1857-8—*continued.*

Defalcations—continued.

Communication of witness with the Ameer, through Captain Keyes, relative to Ali Ackbar's statement about Mr. Coffey; confidence expressed by the Ameer in Mr. Coffey, *Butt* 2033, 2034——Complaint by the Ameer to witness at Trieste, through Captain Langley, that Mr. Coffey had induced him to express confidence in him at the interview, when Captain Keyes was interpreter, *ib.* 2034——In reply to a question about Mr. Coffey, the Ameer said he had not sent any message to Ali Ackbar that he had been cheated by him; there was some other conversation about Mr. Coffey, but it was dropped upon his entering the room, *Keyes* 2496. 2505-2514.

Complaint in regard to Mr. Butt's conduct with reference to the charge in Ali Ackbar's memorandum, that witness's brother had not accounted for a sum of 2,000 *l.*; Mr. Butt assured witness that this matter had been set right by him at the Board of Control, whereas such was not the case, *J. C. Coffey* 2599-2606. 2609. 2621-2633.

Witness told Mr. James Coffey he had taken steps which would prevent the memorandum having weight at the Board of Control against his brother, *Butt* 2708, 2709.

Memorandum charging Mr. Coffey with defalcations, and stating that he had received from the Ameer in London two sums of 300 *l.* and 2,000 *l.*, *App. p.* 19——Endorsement by Sir G. Clerk and Mr. Vernon Smith on the foregoing memorandum, *ib.*

Despatch to India. See *Board of Control.* *Restoration of Lands, &c.*

Dismissal of Mr. Coffey. Whilst witness and the Ameer were at Trieste, Mr. Butt, Captain Langley, and Mr. Trevin arrived, and, in consequence of certain transactions subsequently, witness left the Ameer, *E. L. Coffey* 136-138——The Ameer did not refuse to pay witness anything more, nor dismiss him from his services, but Mr. Butt did so in his name, *ib.* 149-158——Reasons assigned by Mr. Butt for dismissing witness; comment on his conduct to witness in the matter, *ib.* 171-182. 204-208——Reference to some letters written by witness to his brothers, in which he complained of his treatment by Mr. Butt, *ib.* 205-212.

Witness was not aware that Mr. Coffey was Ali Moorad's secretary, and never expressed to Mr. Butt any opinion about the expediency of his being dismissed from the Ameer's service, *Right Hon. R. V. Smith* 1557-1567——Belief as to the inaccuracy of a statement in a letter from Mr. Butt, that witness said he placed confidence in Mr. Coffey, *ib.* 1642-1644.

Particulars relative to the dismissal of Mr. Coffey from the service of the Ameer; part taken therein by witness, *Butt* 1981-1988——Circumstances under which witness wrote to Mr. Coffey a full account of the matters which led to the dismissal of his brother, *ib.* 2009, 2010——Copy of the letter and enclosures hereon, *App. p.* 1-5——Error in the copy of this letter before the Committee; witness did not say that Mr. Vernon Smith placed confidence in Mr. Edward Coffey, *Butt* 2011, 2012——Previously to witness having seen Mr. Coffey at Trieste, he had not made up his mind about his dismissal, as he hoped some satisfactory explanation might be forthcoming, *ib.* 2228-2236.

See also *Loyalty of the Ameer.* *Return of the Ameer.*

E.

East India Company. Belief that Mr. Butt has had some written communication with the present Chairman, but not with the directors collectively, relative to the case of Ali Moorad, *Sir J. W. Hogg* 1203-1208——In July 1857 Mr. Butt sought an interview with witness, and urged upon him the claims of the Ameer, and an early consideration of his case by the directors, or that otherwise he (Mr. Butt) should feel bound to bring the matter before Parliament, *ib.* 1209-1217. 1232-1234. 1253-1264. 1276-1284. 1294-1296——Mr. Butt said he did not wish the directors to rescind any order they had given about the Ameer, but suggested that some communication favourable to him be made to the Commissioner of Scinde, *ib.* 1212. 1216, 1217. 1283, 1284.

Witness promised attention to Mr. Butt's application, and brought the matter before the Court of Directors, which he should equally have done if the applicant had not been a Member of Parliament, *Sir J. W. Hogg* 1212, 1213. 1286. 1297, 1298——Witness considered that Mr. Butt came to him in the character of a Member of Parliament, and that he gave generally the outlines of a compromise, which would prevent the necessity of his raising the question in the House of Commons, *ib.* 1214-1217. 1262-1264. 1283, 1284. 1295, 1296.

Resolution of the Court of Directors subsequently to Mr. Butt's interview with witness to adhere to their former decision relative to the Ameer, *Sir J. W. Hogg* 1218, 1219. 1236, 1237——Reference to the first despatch connected with the subject, as having been written in January 1857, *ib.* 1221-1225——The second despatch, which was in August subsequent to witness's conversation with Mr. Butt, was altered in conformity with the views of the Board of Control, and suggested to the Ameer a hope that his

appeal

Report, 1857-8—*continued.*

East India Company—continued.

appeal might be attended to, if on his return to Scinde his conduct were approved by the Commissioner; Parliament was sitting at this period, *Sir J. W. Hogg* 1226–1231. 1236–1246. 1274, 1275. 1287–1293——Witness saw Mr. Butt accidentally a second time, and told him the directors had decided contrary to his suggestions, *ib.* 1265.

Instances of Members of Parliament speaking to individual directors with reference to supposed grievances, *Sir J. W. Hogg* 1268–1273. 1285——In speaking to witness about the case of the Ameer, Mr. Butt did not refer specially to the Indian mutiny, *ib.* 1276–1278.

During the first Session of 1857 Mr. Butt had more than one conversation with witness relative to the claims of Ali Moorad, and said that if certain concessions were not made by the directors, he should feel it his duty to bring the matter before Parliament, *Mangles* 1300 *et seq.*——Mr. Butt, in urging the Ameer's claim, said he had not had an impartial trial in India, *ib.* 1332 ——Mr. Butt also advanced reasons of a public nature in favour of attention to the Ameer's case, *ib.* 1333.

Statement that the Court of Directors were not afraid of Parliamentary discussion, as contemplated by Mr. Butt, but were reluctant to meet the opposition of the President of the Board of Control, who was disposed to make some concession in the case, *Mangles* 1334–1336. 1347–1364. 1383——Witness, and the directors generally, considered that the Ameer was justly punished, *ib.* 1350. 1363, 1364.

Reasons why witness would not allow the memorial to the Court of Directors in July 1857 to be presented, unless he had an assurance from the Board of Control that it would be favourably received, *Butt* 1889. 1933. 2103–2106. 2340, 2341.

Evidence in explanation of what passed at witness's interviews with Sir James Hogg and Mr. Mangles relative to proceedings in Parliament; there was not the slightest intention at this period of bringing the matter before Parliament, and witness never threatened to do so, *Butt* 1944–1948——Nature of the mention made by witness of proceedings in Parliament during his conversation with Sir J. Hogg, *ib.* 1944–1948. 2145–2148.

Further examination with reference to the evidence of Sir James Hogg and Mr. Mangles, and further denial that witness ever said he would bring the case forward in Parliament unless the memorial were speedily and favourably considered; words really used by witness, *Butt* 2321–2337. 2413–2427. 2440——The first interview of witness with Sir James Hogg was after an offer had been made about his going to India, *ib.* 2368–2396.

Letter from Mr. Mangles to Mr. Butt, dated 22 May 1857, relative to the case of the Ameer, *App. p.* 15.

See also *Board of Control. Confidential Communications. Memorial to East India Company. Restoration of Lands, &c.*

Ellenborough, Lord. Favourable view taken by Lord Ellenborough of the claims of the Ameer, *Right Hon. R. V. Smith*, 156.

Elliot, Henry. See *Loyalty of the Ameer.*

Elsdale, Robinson Tunstall. (Analysis of his Evidence.)—Is partner in the firm of Hunt & Elsdale, employed as solicitors in the case of the Ameer Ali Moorad, 1494–1496——Knows very little about the matter, Mr. Hunt, who is now abroad, having conducted it, 1496——Considers that he would not be justified in laying before the Committee either the bill of costs of his firm against the Ameer, or certain expenditure accounts of Mr. Coffey given to the firm by the Ameer, 1497–1509.

[Second Examination.]—Particulars, as supplied from witness's bill of costs, of the dates of certainconsultations, and whether attended by Mr. Butt; he never got any fee for so attending either from witness or his partner, 1664–1686. 1705, 1706——There is nothing in the bill of costs to show that the legal advisers of the Ameer were of opinion in May 1857 that any proceedings in Parliament should not be taken by Mr. Butt, 1687–1704.

F.

Fees on Consultation. Particulars as to some consultations with Sir Fitzroy Kelly when Mr. Butt was present; doubt as to Mr. Butt having been offered a fee for attending any consultation before 1857, when he received one through witness, *E. L. Coffey* 271–293——The 15th February 1857 was the date on which witness drew a cheque for 20*l.* as a consultation fee for Mr. Butt, *ib.* 302–305.

There was a consultation in June 1856, with reference to the presentation of a petition to Parliament, upon which occasion Mr. Butt received a fee of five guineas from witness, *D. Coffey* 1411–1433——Witness's brother Edward was at the consultation, for which Mr. Butt got five guineas, *ib.* 1458–1461——Explanation as to witness having given Mr. Butt a cheque for 20*l.* or 25*l.* for leaving Dublin to attend a consultation in London in 1857, *ib.* 1482–1493.

Particulars, as supplied from the witness's bill of costs, of the dates of certain consulta-

Report, 1857-8—*continued.*

Fees for Consultation—continued.

tions, and whether attended by Mr. Butt; he never got any fee for so attending, either from witness or his partner, *Elsdale* 1664-1686. 1705, 1706.

The consultation for which Mr. Butt received the fee of five guineas had reference exclusively to the petition to Parliament, *D. Coffey* 1707-1709——Besides the fee of five guineas, the only fee paid by witness to Mr. Butt was that for 20 *l.*, given in Dublin, with a view more especially to his travelling expenses, *ib.* 1710-1716.

Mr. Coffey offered witness a fee for attending a consultation after the presentation of the petition, but he declined to accept it, *Butt* 1843——In February 1857 Mr. David Coffey asked witness in Dublin to attend a consultation in London, and gave him a cheque for twenty guineas; Sir Fitzroy Kelly and other counsel at this consultation also received fees in the usual way, *ib.* 1866-1869——Witness did not attend any other consultation, *ib.* 1868.

No retaining fee was paid to witness relative to the petition, nor was he aware at the time that Mr. Butt received any fee on the occasion of the first consultation on the subject in 1856, *J. C. Coffey* 2541-2545——Explanation as to witness having brought to Mr. Butt, from London, in February 1856, the cheque for 20 *l.* for his leaving Dublin to attend some consultation about the affairs of the Ameer, *ib.* 2556-2558. 2569.

Document, being an acknowledgment by Mr. Butt of the receipt of five guineas for attending a conference in June 1856, *App. p.* 15.

See also *Kelly, Right Hon. Fitzroy.* *Retaining of Mr. Butt.*

Fitzgerald, William Seymour. (Analysis of his Evidence.)—In July 1857 Mr. Butt told witness that he had had an offer to go to India as the confidential adviser of the Ameer Ali Moorad, and implied that he was to be largely remunerated for going, 2635-2637.

Forts. Claim to compensation for the forts taken from the Ameer; the justice of the claim was admitted by Lord Ellenborough and Mr. Vernon Smith, *Butt* 1883.

See also *Restoration of Lands, &c.*

H.

Hogg, Sir James Weir. (Analysis of his Evidence.)—Director of the East India Company; has twice been chairman, 1201, 1202——Believes that Mr. Butt has had some written communication with the present chairman, but not with the directors collectively, relative to the case of the Ameer Ali Moorad, 1203-1208——In July 1857 Mr. Butt sought an interview with witness, and urged upon him the claims of the Ameer, and an early consideration of his case by the directors, or that otherwise he (Mr. Butt) should feel bound to bring the matter forward in Parliament, 1209-1217. 1232-1234. 1253-1264. 1276-1284. 1294-1296.

Mr. Butt said he did not wish the directors to rescind any order they had given about the Ameer, but suggested that some communication favourable to him be made to the Commissioner of Scinde, 1212. 1216, 1217. 1283, 1284——Witness promised attention to Mr. Butt's application, and brought the matter before the Court of Directors, which he should equally have done if the applicant had not been a Member of Parliament, 1212, 1213. 1286. 1297, 1298——Witness considered that Mr. Butt came to him in the character of a Member of Parliament, and that he gave generally the outlines of a compromise, which would prevent the necessity of his raising the question in the House of Commons, 1214-1217. 1262-1264. 1283, 1284. 1295, 1296.

Resolution of the Court of Directors, subsequently to Mr. Butt's interview with witness, to adhere to their former decision relative to the Ameer, 1218, 1219. 1236, 1237——It was understood that the Board of Control were in favour of referring the matter to the Commissioner of Scinde, 1219, 1220——Reference to the first despatch connected with the subject, as having been written in January 1857; 1221-1225——The second despatch, which was in August, subsequent to witness's conversation with Mr. Butt, was altered in conformity with the views of the Board of Control, and suggested to the Ameer a hope that his appeal might be attended to if on his return to Scinde his conduct were approved by the Commissioner; Parliament was sitting at this period, 1226-1231. 1236-1246. 1274, 1275. 1287-1293.

Reference to two memorials from the Ameer to the Court of Directors; the second, which was in June or July, was not presented by Mr. Butt, 1247-1252. 1279, 1280——Witness saw Mr. Butt accidentally a second time, and told him the directors had decided contrary to his suggestions, 1265——Instances of Members of Parliament speaking to individual directors with reference to supposed grievances, 1268-1273. 1285——In speaking to witness about the Ameer's case, Mr. Butt did not refer specially to the Indian mutiny, 1276-1278.

Holmes, Thomas Knox. (Analysis of his Evidence.)—Took down in writing a statement by Mr. Coffey as foundation for the petition, but gave up the statement to Mr. Coffey before the Committee met, 2638-2642. 2649. 2653-2658——Explanation relative to sundry corrections or alterations which have since been made in this document (which is now produced by Mr. Roebuck); alterations by Mr. Coffey the day after it was drawn up,

Report, 1857-8—*continued.*

Holmes, Thomas Knox. (Analysis of his Evidence)—*continued.*

up, 2643-2649. 2656-2666. 2670——Neither directly nor indirectly has witness had any communication with Mr. Butt as to the original statement drawn up from Mr. Coffey's dictation, 2650-2652. 2669——Witness first acted for the petitioner about a fortnight ago; he ceased to be employed through some notion that he was communicating with Mr. Butt, 2667-2669.

Holmes, Mr. Witness did not get any information from Mr. Holmes with respect to the petition, or the imputation thrown out in the examination of Mrs. Parr relative to her connexion with a certain libellous document, *Butt* 2070-2072.

Hunt & Elsdale, Messrs. Employment by witness's brother, David, of Messrs. Hunt as solicitors for the Ameer, *E. L. Coffey* 245, 246.——*See* also *Bills of Costs.*

I.

Irwin, Mr. Mr. Irwin, a connexion of witness, accompanied the Ameer to India, but witness would not allow any money arrangement in his case; explanation hereon, *Butt* 2004-2244-2249.

Reference to a letter received by witness from Mr. Irwin in September 1857; erasure in this letter explained; explanation also of a passage relative to Mr. Butt, *J. C. Coffey* 2610-2620.

Letter from Mr. Irwin to Mr. David Coffey, referring, among other things, to the transmission of a despatch by Mr. V. Smith favourable to the Ameer, *App. p.* 20.

J.

James, Edwin, Q. C. See *Character of Witnesses.*

K.

Kelly, Right Honourable Sir Fitzroy. Reference to some occasions on which Sir Fitzroy Kelly was consulted, *E. L. Coffey* 271-281——There were several consultations about the Ameer's case at Sir Fitzroy Kelly's, for which he was paid the usual fees, *D. Coffey* 1462-1481——Part taken in Parliament by Sir Fitzroy Kelly relative to Ali Moorad, *Right Hon. R. V. Smith* 1520, 1521. 1619-1621——Dates of some consultations at which Sir Fitzroy Kelly attended, *Elsdale* 1667-1675——Reference to a consultation before the motion for papers attended by Sir Fitzroy Kelly, Mr. Ayrton, and others, at which conclusions were arrived at contrary to witness's views, who considered that the case was then taken out of his hands, *Butt* 1843-1847——Further statement as to its having been settled that any Parliamentary proceedings in 1857 should be placed in the hands of Sir Fitzroy Kelly, and not of witness, *ib.* 2315-2320.

Keyes, Captain Charles Patton. (Analysis of his Evidence.)—In July 1857, accompanied Mr. Butt to an interview with the Ameer Ali Moorad, for the purpose of interpreting between them, 2489-2495——In reply to questions about Mr. Coffey, the Ameer said he had not sent any message through Ali Ackbar that he had been cheated by him; there was some other conversation about Mr. Coffey, but it was dropped on his entering the room, 2496. 2505-2514——Mr. Butt asked the Ameer, through witness, whether he had been told that money had been spent, in his name, in Parliament, and further said that if the Ameer did spend any money for the sake of Parliamentary influence, he (Mr. Butt) would wash his hands of his case, 2497-2503——Nothing was said about any payment to Mr. Butt, 2515.

L.

Langley, Captain. Failure of an attempt by witness to communicate with the Ameer through Captain Langley, *Butt* 2029——Reference to a statement by Mr. Coffey as to the objection of the Ameer to the employment of Captain Langley as interpreter, *ib.*——Explanation as to Captain Langley having accompanied the Ameer to India as interpreter, *ib.* 2241-2244.

Loyalty of the Ameer. Examination relative to a telegram forwarded by Sir Hamilton Seymour from Vienna, on the 8th September, to the effect that witness imputed disloyalty to the Ameer, and offered, if thought desirable, to induce him to defer his journey to Scinde; witness denies that, in conversation with Mr. Gould or Mr. Elliot, of the embassy at Vienna, he imputed any disloyalty to the Ameer, *E. L. Coffey* 180-203——Witness thought, however, that the arrival of the Ameer at Bombay during the Mohurrun festival might be inexpedient, *ib.* 202.

Report, 1857-8—*continued.*

Loyalty of the Ameer—continued.

Examination relative to a memorandum written by witness at Trieste, of his recollection of what passed at Vienna during his interview with the members of the embassy, *E. L. Coffey* 442-461——With regard to a communication between Sir Hamilton Seymour and Mr. Butt as to what witness had stated to Mr. Elliot it was not intended that witness should be recalled if the explanation should be favourable, *ib.* 462-465——Witness saw Mr. Elliot and Mr. Gould only once, and only for a few minutes, *ib.* 656-662——Witness further denies the accuracy of Mr. Elliot's version of what witness stated to him at Vienna, *ib.* 755-761——The Mahommedan festival of the Mohurrun took place in 1857, about August or September, *Prinsep* 783-786.

Particulars relative to a conversation at Vienna between Mr. Elliot, Mr. Coffey and witness; Mr. Coffey said that, on account of the Indian mutiny, he was nervous about taking the Ameer to Bombay during the Mohurrun festival; but did not say that he was afraid that the Ameer would join the strongest party, *Parr* 842-854. 1184-1190——If anything was said about the disloyalty of the Ameer, it proceeded from witness, *ib.* 854——Conversation between Mr. Gould and witness relative to a memorandum by the former of the statement imputed to Mr. Coffey in regard to the loyalty of the Ameer, *ib.* 867-874.

Particulars as to some conversation between witness and Mr. Elliot during her second visit to Vienna relative to his memorandum, imputing to Mr. Coffey an apprehension of the disloyalty of the Ameer; error of Mr. Elliot on this point as well as on other points of his previous conversation with witness and Mr. Coffey, *Parr* 875-880. 891-901——Witness never told Mr. Elliot, at Vienna, that Sir Alexander Cockburn had expressed any opinion with reference to the inexpediency of the Ameer's return to India, *ib.* 1180-1183.

Reference to the telegram from Vienna in regard to Mr. Coffey's statement about the Ameer's disloyalty; answer by witness thereto, *Right Hon. R. V. Smith* 1562-1567——The conversation between witness and Mr. Butt before the departure of the latter for Vienna referred almost exclusively to the telegraphic information imputing disloyalty to the Ameer, *ib.* 1661, 1662.

Communication to witness by Mr. Smith of the telegram received from Vienna; this was about the 15th September, *Butt* 1953, 1954——At Vienna Sir H. Seymour and two gentlemen connected with the embassy assured witness that Mr. Coffey had given the information forwarded in the telegrams, *ib.* 1957——Strong remark made by witness to Sir H. Seymour as to the treachery of Mr. Coffey, *ib.* 1958——On Saturday the 27th September, witness, having arrived at Trieste with Captain Langley and Mr. Irwin, had an interview with Mr. Coffey, at which the latter said nothing of importance had occurred at Vienna, *ib.* 1959-1963——Subsequent denial by Mr. Coffey before the Ameer, of the statement imputed to him in the telegram; he afterwards gave the Ameer a written statement on the subject, *ib.* 1964, 1965. 1978-1980. 1983.

Anxiety of the Ameer to return to England in consequence of the telegrams, *Butt* 1964. 1967-1976——Telegraph by witness to the Board of Control, asking them to write to the Ameer, assuring him that they disregarded the telegram; copy of the letter subsequently received by the Ameer from the Board, *ib.* 1967-1976——Conviction as to the loyalty of the Ameer, *ib.* 1976, 1977——At the request of Mr. Irwin, witness wrote to Sir H. Seymour from Trieste, inquiring if there possibly could have been a mistake in regard to the information imputed to Mr. Coffey; replies to this letter; Mr. Coffey had left for Vienna when they arrived, *ib.* 1993-2003——Witness did not gather from Sir Hamilton Seymour that he had ever seen Mr. Coffey, *ib.* 2237-2240——Reference to the date of the memorandum drawn up by Mr. Coffey at Trieste, and to the date when given to witness, *ib.* 2279-2292.

Copy of the telegram from Sir H. Seymour, dated Vienna, 8th September, stating that Mr. Coffey believed that the Ameer would, on reaching Scinde, join whichever side appeared the strongest, *App. p.* 3.

Statement by Mr. Coffey relative to the conversation at the embassy; denial that he imputed disloyalty to the Ameer, *App. p.* 4.

Letter from Mr. Elliot to Mr. Coffey, and memorandum by Mr. Elliot, to the effect that Mr. Coffey said he was fearful of the loyalty to the Ameer, and offered to detain him at Trieste, if thought necessary, *App. p.* 5, 6——Statement in Mr. Elliot's memorandum that Mrs. Coffey (Mrs. Parr) repeated twice over that Sir A. Cockburn had said it would be an act of absolute madness to permit the Ameer to go to India, *ib. p.* 6.

Letter from Sir H. Seymour to Mr. Butt, in which he speaks of Mr. Elliot's recollection as singularly faithful, *App. p.* 6.

Statement by Mr. Gould, to the effect that Mr. Coffey expressed himself very doubtful about the fidelity of the Ameer, and offered, if thought desirable, to take him back to England, *App. p.* 6.

Letter from Mr. Elliot to the Chairman of the Committee, dated Vienna, 2 March 1858, asserting the accuracy of his statement that Mrs. Parr said Sir A. Cockburn was

of

Report, 1857-8—*continued.*

Loyalty of the Ameer—continued.

of opinion it would be madness to allow the Ameer to go to India, and also of his statement that Mr. Coffey expressed his belief that the Ameer would join the strongest party, *App. p.* 22, 23.

M.

Mangles, Ross Donnelly (Member of the House). (Analysis of his Evidence.)—Is Chairman of the East India Company, 1299——During the first Session of 1857, Mr. Butt had more than one conversation with witness relative to the claims of Ali Moorad, and said that if certain concessions were not made by the directors, he should feel it his duty to bring the matter before Parliament, 1300 *et seq.*——In May, witness had a letter from Mr. Butt on the subject; by Mr. Butt's request, as witness believes, he destroyed this letter, and did not mention Mr. Butt's name in the matter to his colleagues, 1317-1322. 1342-1346.

Reference to a memorandum by Ali Ackbar, suggesting the adoption of a certain course in regard to the Ameer, 1329-1331——Mr. Butt, in urging the Ameer's claims, said he had not had an impartial trial in India, 1332——Mr. Butt also advanced reasons of a public nature in favour of attention to the Ameer's case, 1333——Statement that the Court of Directors were not afraid of Parliamentary discussion, as contemplated by Mr. Butt, but were reluctant to meet the opposition of the President of the Board of Control, who was disposed to make some concession in the case, 1334-1336. 1347-1364. 1383.

Correction by the Board of Control of the answer drafted by the Court of Directors in reply to the second petition of Ali Moorad; hope of concession held out in the corrected letter sent to the Ameer, 1337-1341. 1348. 1365-1372——Witness, and the directors generally, considered that the Ameer was justly punished, 1350. 1363, 1364——Impression that the meeting did not influence the directors in recommending the Ameer's return to Scinde, 1352-1357——No letter or despatch was ever sent or intended to be sent to the Indian Government, of the same tenor as the corrected letter sent to the Ameer, 1368. 1376-1378——The letter in question was sent to the Ameer on the 19th August, just before he left England, 1373-1375. 1379-1382.

Memorial to East India Company. Reference to two memorials from the Ameer to the Court of Directors; the second, which was in June or July 1857, was not presented by Mr. Butt, *Sir J. W. Hogg* 1247-1252. 1279, 1280——Subsequently to a conversation with the Ameer in May 1857, and after several interviews with Mr. Vernon Smith, witness about the end of June, prepared a memorial to the Court of Directors, *Butt* 1876-1878. 1833-1835——Extracts from the memorial to the directors, showing the claims put forward, *ib.* 1884——Delay in the presentation of the memorial, *ib.* 1885. 1889——There was a strong assurance that the memorial would in the main be complied with, *ib.* 1889——Witness told Mr. Smith he would be no party to the memorial unless it was sure of acceptance, *ib.* 1933. 2103-2106. 2340, 2341.

See also *Return of the Ameer.*

Mirza Ali Ackbar. See *Ali Ackbar.*

Money Arrangement:

1. *As to the alleged corrupt Agreement in* 1856.
2. *As to the Arrangement in* 1857, *involving Services in India.*
3. *As to the Payment of a Sum of* 300 *l.*

1. *As to the alleged corrupt Agreement in* 1856.

Outline of an arrangement between Mr. Coffey and Mr. Butt, whereby the latter was to receive from the Ameer a certain sum if he succeeded in recovering his property for him, *Roebuck* 1.

Subsequently to the presentation of the petition to Parliament in June 1856, and before moving for some papers in July, Mr. Butt told witness that he was a poor man, and could not undertake properly to conduct the matter unless the Ameer assisted him in his expenses, *E. L. Coffey* 29, 30——The Ameer authorised witness to tell Mr. Butt that he should have 5,000 *l.* if successful in recovering the property, with which arrangement Mr. Butt expressed himself satisfied, *ib.* 30-34——Witness did not communicate to his brothers the agreement about the payment of the 5,000 *l.* to Mr. Butt, *ib.* 222-226.

Further statement relative to the first intimation from Mr. Butt to witness, that he should require to be paid for his services; it was frequently spoken of, *E. L. Coffey* 249-256——Communication by witness to Mr. Butt, of the Ameer's consent to certain terms, further adverted to; no third party was ever present on these occasions, *ib.* 257-268.

Until after the presentation of the petition in June 1856, there was no conversation between Mr. Butt and witness about money, *E. L. Coffey* 670, 671——Witness is

Report, 1857-8—*continued.*

MONEY ARRANGEMENT—continued.

1. *As to the alleged corrupt Agreement in* 1856—continued.

positive that the first conversation with Mr. Butt took place before the motion for papers on the 24th July; examination as to his grounds for this conviction, *E. L. Coffey* 683. 691–700. 722–733. 763–771——Further account of the conversation with Mr. Butt, when he said that he should require to be paid for devoting his time and labour in carrying the Ameer's case through Parliament; examination as to the actual words used by Mr. Butt on this occasion, *ib.* 684–690. 701. 706. 734–742. 772–775.

Witness never heard of any particular agreement having been entered into between his brother Edward and Mr. Butt, *D. Coffey* 1448–1450.

Witness emphatically denies the accuracy of Mr. Edward Coffey's statement, that in July 1856, witness said he was a poor man, and could not take up the Ameer's case unless he were paid for so doing, *Butt* 1851–1855——Neither Mr. Coffey, nor any one else on the part of the Ameer, ever made any offer of a pecuniary reward to witness in the matter, nor had witness the slightest expectation of any such reward, *ib.* 1855–1858.

Witness again denies, in the most positive manner (and wishes he could do so on his oath), that any offer of money was made to him through Mr. Coffey, in July 1856, or at any other time, before the proposal in 1857 to go out to India for the sum of 10,000 *l.*, *Butt* 2358–2362. 2377–2399——Witness positively and solemnly denies the reputed offer of 5,000 *l.*, *ib.* 2362. 2377–2399——In proof of the untruthfulness of Mr. Coffey's charge, witness asks the Committee to call for a written statement by Mr. Coffey, given him to the Parliamentary Agent preparatory to the presentation of the petition, *ib.* 2362–2367. 2399.

Until recently, witness never heard from either of his brothers of any money arrangement between the Ameer and Mr. Butt, *J. C. Coffey* 2550–2555. 2566–2568——In 1856, nothing was ever said to witness by Mr. Butt about any money arrangement, *ib.* 2556——Witness never heard from his brother Edward of any arrangements with Mr. Butt in 1856, *ib.* 2566–2568.

Letter from Mr. Butt to Mr. James Coffey, appealing to him and Mr. David Coffey to state whether there was the remotest pecuniary inducement held out to him (Mr. Butt) to advocate the Ameer's cause, except by going to India for the purpose, *App. p.* 15.

Letters from Mr. David Coffey and Mr. James Coffey to Mr. Butt, dated 23 February 1858, stating that they are not aware of any pecuniary arrangement with Mr. Butt for his advocacy of the Ameer's case in Parliament, *App. p.* 16.

Statement of facts by Mr. Coffey in support of the allegations in the petition; sundry alterations and corrections in this document since it was first written, *App. p.* 20, 21.

Resolution of the Committee that Mr. Butt did not, in or about the months of July or August 1856, enter into the corrupt agreement set forth in the petition, *Rep. p.* iii.——Nor have divers sums been paid to Mr. Butt in pursuance of such agreement, *ib.*

2. *As to the Arrangement in* 1857, *involving Services in India:*

Allegation as to Mr. Butt having in 1857 received a sum of 2,000 *l.* from the Ameer, *Roebuck* 1——Three blank stamps were also to be filled up in favour of Mr. Butt for 8,000 *l.*, *ib.*

In July or August 1857, Mr. Butt said, that if, in consequence of a certain Government despatch about to be forwarded to India concerning the Ameer's property, he (Mr. Butt) were obliged to go to India to complete the matter, he should require 5,000 *l.* more, or 10,000 *l.* altogether; this was agreed to by the Ameer, *E. L. Coffey* 35–41——On its being determined that the Ameer should go to India, he agreed to pay Mr. Butt 3,000 *l.* beforehand, and the remainder of the 10,000 *l.* in India, *ib.* 62, 63——Particulars as to the Ameer having subsequently declined to pay 3,000 *l.* before leaving England, and having instead given Mr. Butt a cheque for 2,000 *l.*, or rather for 1,999 *l.*, drawn by the manager of the Mercantile Bank of India upon the London Joint Stock Bank, *ib.* 64. 68–88——Witness has since ascertained the numbers of the notes given to Mr. Butt for the cheque, *ib.* 89.

Statement as to witness, when in Paris with the Ameer, having received, on the 24th August, a letter from his brother David, enclosing three stamps to be filled up by the Ameer in favour of Mr. Butt for a total sum of 8,000 *l.*, *E. L. Coffey* 90–118——Explanation of the term "Cash safe," in a telegram sent by witness to Mr. Butt from Trieste, on the 15th September, *ib.* 521–529——Private reasons mentioned by Mr. Butt for requiring 3,000 *l.* in cash before he went to India, *ib.* 538–546——Witness was given to understand that if the despatch were not forwarded, he would have to repay the Ameer the 2,000 *l.* given to Mr. Butt, *ib.* 557–560. 665–669——The arrangements about the second 5,000 *l.* to Mr. Butt for going to India was not made so early as July 1856, at which date it was hoped that every thing would be settled in this country, *ib.* 780.

On the 22d August last Mr. Butt paid, to his account, at Glyn & Co.'s, 1,600 *l.* in three notes; numbers of each note, *Williams* 791–797.

Conversation,

Report, 1857-8—*continued.*

MONEY ARRANGEMENT—continued.

2. *As to the Arrangement in* 1857, *involving Services in India*—continued.

Conversation, in July or August 1857, between Mr. Butt and witness, in which he spoke of his connexion with Ali Moorad, and of the probability of his going to India and advocating the cause of the native princes, *Parr* 810-820——Particulars as to the several occasions, five or six in number, in which witness saw Mr. Butt in the summer of 1857; allusion on one occasion to his going to India further adverted to, *ib.* 997-1024. 1029, 1030——Mr. Butt never spoke to witness of any direct money arrangement with the Ameer, *ib.* 1166-1168.

Payment of a cheque on the London Joint Stock Bank for 1,999 *l.* in August 1857; numbers of the notes given by witness for the cheque, *Saunders* 1193-1200.

Mr. Butt told witness that he was to be paid 10,000 *l.* for going to India, and that he had received 2,000 *l.* of the amount, *D. Coffey* 1445-1447——Particulars connected with the enclosure by witness of three bill stamps to his brother at Paris, to be filled up by the Ameer in favour of Mr. Butt for 8,000 *l.*, *ib.* 1728-1763——Reason why witness, and not Mr. Butt, forwarded the bill stamps, *ib.* 1747-1757——Date when witness knew that Mr. Butt was going to India, *ib.* 1766-1768.

Offer of the Ameer, through Mr. Coffey, in June 1857, to give witness 10,000 *l.* if he would go with him to India, which offer witness for some time declined to accept, *Butt* 1891-1899——Witness made no secret of this offer, *ib.* 1896. 1899——Constant pressure on the part of the Ameer in June for witness to go to India, *ib.* 1898. 1930——Acceptance, finally, of the offer some time in July, *ib.* 1899-1901——Arrangement with Mr. Coffey that witness was to receive 3,000 *l.* in cash before starting, and 7,000 *l.* in bills, *ib.* 1901——The first proposition made to witness was that he should receive 5,000 *l.* in money, and 5,000 *l.* in bills; this never assumed the shape of an arrangement, *ib.* 1919. 2108, 2109. 2213-2221.

Further statement relative to the proposition about witness going to India, to the effect that he did not accept it until a day or two after the 24th July 1857, *Butt* 1924-1930. 2074. 2153-2155——After the departure of Mr. Coffey from Trieste, the Ameer earnestly entreated witness to go with him at once to India, and offered to settle 1,000 *l.* a year upon him if he would do so, *ib.* 2004. 2013, 2014——Witness finally declined to go until the Ameer had consulted his son and friends in India; he wished to get off the engagement altogether, but is sorry to say it is still pending, *ib.* 2004-2007. 2145——Witness wished and offered to return the 2,300 *l.*, and to get off the engagement, *ib.* 2004. 2073——Particulars connected with the receipt by witness of 1,999 *l.* instead of 2,700 *l.*, as witness had expected; part taken by Mr. Coffey in the matter, *ib.* 2029-2031.

Inaccuracy of Mrs. Parr's statement that witness said he would take up the claims of native Indian princes, and make a fortune by so doing, *Butt* 2037.

Witness never imagined that his acceptance of the proposition of the Ameer could be construed into a violation of his duty as a Member of Parliament, *Butt* 2073——He consulted several friends upon the subject, and always contemplated publicity of the arrangements, *ib.*——He was not tempted merely by the sum of money offered; other considerations which weighed with him more strongly, *ib.*——Understanding of witness long before the 24th July, that his services in India would be required in completing the claims of Ali Moorad before the Indian Government, *ib.* 2075-2106.

Witness did not get the 2,000 *l.* until the day the Ameer left, but still expected he would leave on that day, *Butt* 2209-2212——The 2,000 *l.* was promised to be given to witness at least a week before it was given, *ib.* 2212-2243——Arrangements that the bills were to be made payable in Bombay, and not in London, *ib.* 2222-2227.

A great deal was said at Trieste about witness going to India, but no arrangement was made, *Butt* 2250, 2251——The Ameer still looks upon witness as bound to go if necessary, *ib.* 2252——If witness should not go, he will return the 2,300 *l.*, *ib.* 2253-2257——At Trieste witness quite made up his mind, if possible, not to go, inasmuch as he looked upon the negotiation through Mr. Coffey as a tainted transaction, *ib.* 2257, 2258. 2262, 2263——The Ameer was so anxious that witness should at once accompany him, that he made him most liberal and unexpected offers, *ib.* 2259-2265.

Grounds for inferring that the terms of the agreement about the 10,000 *l.* may not have been truly stated to the Ameer by Mr. Coffey, *Butt* 2265-2272——In April 1857 and again in June, witness first heard that the Ameer wished to go to India, *ib.* 2380-2384——Particulars connected with the offer of the 10,000 *l.* through Mr. Coffey, *ib.* 2385-2394——It was not until after Mr. Vernon Smith had said that the matter should be referred to the Bombay Government that witness was offered and accepted the 10,000 *l.* arrangement, *ib.* 2408-2412——The payment of the 2,000 *l.* was a few days after the receipt by the Ameer of the reply to his memorial, but there was no connexion between the two, *ib.* 2428-2433. 2442, 2443.

Some time between the 24th May and the 20th July 1857, Mr. Butt consulted witness in Dublin with reference to his going to India, saying that a despatch was to be sent out relative to the claims of an Indian prince, and that the prince had offered him 5,000 *l.* in money,

Report, 1857-8—*continued.*

MONEY ARRANGEMENT—continued.

2. *As to the Arrangement in* 1857, *involving Services in India*—continued.

money, and 5,000*l.* on arrival in India, to accompany him thither, and see that it was carried out, *Otway* 2446-2450. 2457-2470——Mr. Butt made no secret of the matter, and consulted Dr. Stokes as to the effect of the Indian climate on his health, *ib.* 2451-2456.

Towards the end of June 1857, Mr. Butt told witness he had been offered 10,000*l.* to go to India, relative to the affairs of an Indian prince, *Boyle* 2479-2485——Mr. Butt made no secret of the matter, and spoke of it to Dr. Stokes and his friends generally, *ib.* 2486-2488.

Statement by Mr. Butt to witness in the beginning of August last that he had arranged to go to India, and was to receive 3,000*l.* in cash, and 7,000*l.* in bills; witness understood it was a recent arrangement, *J. C. Coffey* 2559-2563. 2570-2572——Reference made by witness's brothers, in conversation with him in August 1857, to the arrangements entered into by Mr. Butt, *ib.* 2572-2577. 2580. 2634——Nothing said by Mr. Butt in August 1857 led witness to infer that the 10,000*l.* was partly in return for past services, *ib.* 2578, 2579.

In July 1857, Mr. Butt told witness he had had an offer to go to India as confidential adviser of the Ameer, and implied that he would be largely remunerated if he went, *Fitzgerald* 2635-2637.

Letter from Mr. David Coffey to Mr. Edward Coffey, at Paris, enclosing three stamps to be filled up by the Ameer in favour of Mr. Butt, *App. p.* 4.

Extract from letter, showing that at the end of June 1857 Mr. Butt had it in contemplation to insure his life contingent upon his going to India, *App. p.* 18.

Resolution of the Committee that Mr. Butt did, in or about the month of July 1857, enter into an agreement to proceed to India and prosecute the claims of the Ameer, in consideration of the sum of 10,000*l.*, of which 2,000*l.* was paid in cash, and the remainder was to be paid in bills, *Rep. p.* iii.

3. *As to the Payment of a Sum of* 300*l.*:

Allegation as to Mr. Butt having received in the first instance the sum of 300*l.*, *Roebuck* 1.

Statement as to the Ameer having, in August 1857, given Mr. Butt a crossed cheque for 300*l.*; this was in order to prevent Mr. Butt from going to Ireland on professional business, for abandoning which Mr. Butt wanted 500*l.*, *E. L. Coffey* 51-54——Circumstance of Mr. Butt's name not having appeared on the cheque which was written by witness, *ib.* 53——Particulars as to the cashing of the 300*l.* cheque to Mr. Irwin, Mr. Butt's secretary, at the Mercantile Bank of India, *ib.* 54-61. 65-67——Mr. Butt said he would not pay the cheque into his bank for a thousand pounds, *ib.* 54.

Circumstance of no money having been paid to Mr. Butt till August 1857, *E. L. Coffey* 269, 270. 709-711. 776-778——Explanation as to witness not having put Mr. Butt's name on the cheque for 300*l.*, given to him by the Ameer, *ib.* 743-753.

Statement as to witness having asked for a cheque for 500*l.* in order to test the Ameer's sincerity, and not in any way with reference to his having thrown up his brief in the case of Colclough *v.* Rossborough, *Butt* 1902-1914——Reason why witness complained that the Ameer's cheque for 300*l.* (instead of 500*l.*) was crossed; cashing of the cheque adverted to hereon, *ib.* 1914, 1915——There was no secret made in the matter by witness, *ib.* 1915——Witness never said he would not for 1,000*l.* pay the cheque into his bank, *ib.* 1915. 2400, 2401.

The 300*l.* cheque formed part of the total sum of 10,000*l.*; explanation hereon as to witness having subsequently received 2,000*l.*, and as to bill stamps for 8,000*l.* having been sent by Mr. David Coffey to be filled up by the Ameer, *Butt* 1916-1919. 2273-2278——It was early in August last that witness asked for the 500*l.* cheque in order to test the sincerity of the Ameer, and his non-attendance in Dublin on the Colclough will case in July had nothing to do with his asking for the cheque, *ib.* 2156-2163——Further statement as to witness having been anxious immediately to cash the 300*l.* cheque, *ib.* 2164-2170. 2354-2357——When witness got 300*l.* instead of 500*l.*, he was anxious to have the agreement put into writing, but some objection was raised by Mr. Coffey, *ib.* 2178-2183——Delays in the departure of the Ameer and Mr. Coffey adverted to, as having perplexed witness a good deal, and having led him to ask for the 500*l.*, *ib.* 2183-2191. 2202, 2203.

Grounds for concluding that the cheque in question was not crossed, *Anderson* 2673-2701——Course of exchange between England and Bombay; the discount upon 8,000*l.* drawn upon Bombay would not be nearly 300*l.*, *ib.* 2702-2707.

Resolution of the Committee that it has not been shown that the payment of the sum of 300*l.* had any reference to Parliamentary proceedings, *Rep. p.* iii.

See also *Board of Control. East India Company. Fees on Consultations. Parliamentary Services.*

Report, 1857-8—*continued.*

Motion for Papers. See *Parliamentary Services.*

O.

Otway, John Hastings, Q.C. (Analysis of his Evidence.)—Is intimately acquainted with Mr. Butt, 2444——Some time between the 24th May and the 20th July 1857, Mr. Butt consulted witness in Dublin with reference to his going to India, saying that a despatch was to be sent out relative to the claims of an Indian prince, and that the prince had offered him 5,000 *l.* in money, and 5,000 *l.* on arrival in India, to accompany him thither and see that it was carried out, 2446-2450. 2457-2470——Mr. Butt said the despatch had been promised through his representations at the Board of Control, 2450——He made no secret of the matter, and consulted Dr. Stokes as to the effect of the Indian climate on his health, 2451-2456.

P.

Parliamentary Services. In June 1856, a petition by Ali Moorad was presented to the House of Commons by Mr. Butt, *E. L. Coffey* 27——Reference to a letter from Mr. Vernon Smith to Mr. Butt, about July 1857, relative to a motion of which Mr. Butt had given notice, *ib.* 42-50——The Ameer and witness understood that the money arrangement with Mr. Butt was to embrace his Parliamentary services, and that the despatch was obtained through that arrangement, *ib.* 564-576——Mr. Butt has never acted professionally, and always gave witness to understand that Members of Parliament and not lawyers were wanted in the matter, *ib.* 609-612——Actual steps taken by Mr. Butt in Parliament up to the 24th July 1856; doubt whether since that date he has taken any further steps in calling for papers, &c., *ib.* 672-682. 702-705.

Mention made by Mr. Butt respectively of Parliament and the Board of Control or the Government as the medium through which to advocate the case of the Ameer, *Parr* 1169-1179.

Except by a motion for papers in March, Mr. Butt took no Parliamentary proceedings in the matter in the last Session, *Right Hon. R. V. Smith* 1618-1622——There is nothing in witness's bill of costs to show that the legal advisers of the Ameer were of opinion, in May 1857, that any proceedings in Parliament should not be taken by Mr. Butt, *Elsdale* 1687-1704.

It was contemplated from the first by witness and other advisers of the Ameer, that Parliament should be looked to as the last resource, or rather that it was the only real court of appeal open to him, *Butt* 1831-1834. 2434-2437——Particulars connected with the preparation and presentation of the petition in June 1856, *ib.* 1835-1837. 1849-1850——Absence of witness from London previously to the 4th July, when he gave notice in the House of Commons that he would call attention to the petition, *ib.* 1838-1841——Further absence from London previously to moving for some papers on the 24th July, *ib.* 1842, 1843——After moving for the papers, witness did nothing further in the matter in 1856, *ib.* 1843. 1845-1847. 1859-1862.

Parliamentary distinction was the main motive by which witness was actuated when he first took up the case, *Butt* 1855-1857——Witness did not take any step in Parliament in 1857, *ib.* 1870——Explanation as to its having been decided that witness should not present a petition to the House in 1857, *ib.* 1877——After the news of the mutiny, witness saw that any movement in Parliament would be ruinous, *ib.* 1886——During witness's negociation with the Board of Control, he considered himself perfectly entitled to say he had the control of any Parliamentary movement, *ib.* 1932.

Communication of witness with the Ameer, through Captain Keyes, in which he (witness) said that any expenditure for Parliamentary support would be fatal to the cause, *Butt* 2034——Witness unequivocally denies that there was any arrangement or expectation that he was to be paid, in the event of the matter being definitely settled in England either satisfactorily or unsatisfactorily, *ib.* 2295-2298——He never received one penny, nor expected one penny, except on the clear understanding that he was to go to India, *ib.* 2296-2298——Respect in which it may be said that witness had, in 1857, a right to assume the control of any Parliamentary proceedings, *ib.* 2320. 2330.

Remarks in justification of the mention by witness of a resort to Parliament in his interviews with Sir James Hogg and Mr. Maugles, *Butt* 2434-2441——Witness has ere this advocated private claims against Government, and in doing so has held out Parliament as the tribunal of ultimate resort; case in point, *ib.* 2438-2441.

Mr. Butt asked the Ameer, through witness, whether he had been told that money had been spent in his name in Parliament, and further said that if the Ameer did spend any money for the sake of Parliamentary influence, he (Mr. Butt) would wash his hands of the case, *Keyes* 2497-2503——Nothing was said about any payment to Mr. Butt, *ib.* 2515.

Report, 1857-8—*continued.*

Parliamentary Services—continued.

On the first consultation between witness and Mr. Butt in 1856, it was arranged that a petition on the subject should at once be prepared for Parliament; the necessary books and papers had previously been in the hands of Mr. Butt, *J. C. Coffey* 2527, 2532-2534——Witness took some part in the preparation of the petition, but the ability of that document is entirely due to Mr. Butt, *ib.* 2540, 2546-2547——The petition was subsequently circulated among the Members of Parliament, and Mr. Butt afterwards moved for some papers in the House, *ib.* 2548, 2549——Neither Mr. Butt, nor witness's brother Edward, ever said that the money arrangement with the Ameer had any reference to Parliamentary services, *ib.* 2581, 2582.

Resolution of the Committee that Mr. Butt did not, in or about the months of July or August 1856, enter into the corrupt agreement set forth in the petition, *Rep. p.* iii——Resolution that it has not been shown that the payment of the 300 *l.* had any reference to proceedings in Parliament, *ib.*

See also *Board of Control.* *Confidential Communications.* *East India Company.* *Kelly, Right Hon. Fitzroy.* *Money Arrangement.* *Retaining of Mr. Butt.* *Surat, Nawab of.*

Parr, Elizabeth. (Analysis of her Evidence.)—Is a married person, her husband being now in Hanwell Asylum, 798, 799.——Is well acquainted with Mr. David Coffey, brother of the petitioner, 800, 801——Was introduced to the petitioner, Mr. Edward Coffey, in 1856, and by him to the Ameer Ali Moorad, 802, 803——The Ameer frequently came to witness's house in Bond-street, where she carries on a business in opera boxes, 804-807——Witness was frequently employed in executing commissions for the Ameer during his stay in London 808, 809.

Conversation in July or August 1857 between Mr. Butt and witness, in which he spoke of his connexion with Ali Moorad, and of the probability of his going to India and coming home a rich man, 810-820——Explanation as to witness and her son having by prearrangement met the Ameer in Paris, where she had several commissions to execute for him, 821-827——Without reference to the Ameer, witness was on the point of setting out for Germany to place her eldest son in some college there, 821——Circumstances under which witness accompanied the Ameer and Mr. Coffey from Paris to Vienna; long time necessarily required for the journey, as the Ameer would not travel after sunset, 828-836.

On arrival at Vienna, witness stayed at the same hotel as the Ameer, but in a different part of the building, 837-841——Particulars relative to a conversation at Vienna between Mr. Elliot, Secretary to the Legation, and Mr. Coffey and witness; Mr. Coffey said that on account of the Indian mutiny he was nervous about taking the Ameer to Bombay during the Mohurrun festival, but did not say he was afraid that the Ameer would join the strongest party, 842-854——If anything was said about the disloyalty of the Ameer it proceeded from witness, 854.

Statement as to witness having, after her return to this country, gone a second time to Vienna in order to take measures for clearing her character from certain aspersions which appeared in a letter from Mr. James Coffey to Mr. Edward Coffey, 855-865——Particulars as to interviews of witness at Vienna with Sir Hamilton Seymour, Mr. Elliot, and Mr. Gould; letters of explanation hereon from Mr. Elliot and others, as to his mistake in speaking of witness as Mrs. Coffey, 866-893——Conversation between Mr. Gould and witness relative to a memorandum by the former of the statement imputed to Mr. Coffey in regard to the loyalty of the Ameer, 867-874.

Particulars as to some conversation between witness and Mr. Elliot, during her second visit to Vienna, relative to his memorandum imputing to Mr. Coffey an apprehension of the Ameer's disloyalty; error of Mr. Elliot on this point as well as on other points of his previous conversation with witness and Mr. Coffey, 875-880. 891-901.

Further reference to witness's journey from Paris to Vienna in company with the Ameer and Mr. Coffey; delay of the Ameer at Frankfort and other places contrary to the wishes of Mr. Coffey, 902-907——Circumstance under which witness, in going from Vienna to Venice, stayed at Trieste for a few days, where she saw Mr. Coffey, and heard that Mr. Butt was expected, 908-911——Communication by witness, on her second return to England, of the results of her journey to Mr. Vernon Smith, 912, 913——Explanation as to witness, when at Venice, on her first journey, having had an interview there with Mr. Coffey, 915-917.

[Second Examination.]—Particulars as to the several occasions, five or six in number, on which witness saw Mr. Butt in the summer of 1857; allusion on one occasion to his going to India further adverted to, 997-1024. 1029, 1030——Mr. Coffey was not on particularly intimate terms with witness, 1025-1028——Witness let an opera box to the Ameer when in London, and executed commissions for him at Paris and Vienna, 1032, 1033——Statement as to witness not having found a suitable college for her son in Dresden as she had hoped, and having eventually placed him at a college in Austria, 1034-1037. 1071-1081.

Statement

Report, 1857-8—*continued.*

Parr, Elizabeth. (Analysis of her Evidence)—*continued.*

Statement as to witness having heard Mr. Coffey urge in Hindostanee the Ameer to hasten his journey from Frankfort, &c. to Vienna, 1038–1044——Probability of the Ameer wrongfully accusing Mr. Coffey of attempting to delay his journey; insincerity of the Ameer adverted to hereon, 1049–1061——Recent interview between witness and Ali Ackbar, relative to some money due to her by the Ameer for an opera box and for a ring, 1061–1068——Remarks of Ali Ackbar at this interview relative respectively to Mr. Butt and Mr. Coffey, 1068–1070.

Part taken by witness in forwarding the petition, independently of her main object of vindicating her own character, 1082–1103——Explanation as to witness carrying on business in the name of a sister who assisted to establish it, 1104–1112——Examination relative to witness's connexion in 1854 with a document defamatory of the character of several persons of distinction, which document was threatened to be published by a lady, an acquaintance of witness; no blame was attributed or attributable to witness in the matter, 1113–1155——Belief that the foregoing imputation against witness is founded on information given by Mr. Holmes, 1116——Circumstance of Mrs. Coffey having recently come to witness's house in search for her husband, 1156–1165.

Mr. Butt never spoke to witness of any direct money arrangement with the Ameer, 1166–1168——Mention made by Mr. Butt respectively of Parliament and the Board of Control or the Government, as the medium through which to advocate the case of the Ameer, 1169–1179——Witness never told Mr. Elliot at Vienna that Sir Alexander Cockburn had expressed any opinion with reference to the expediency of the Ameer's return to India, 1180–1183——Witness further denies that Mr. Coffey told Mr. Elliot he feared the Ameer, if allowed to return to Scinde, would join the strongest party, 1184–1190.

Parr, Mrs. See *Character of Witnesses.*

Petition of Ali Moorad. See *Parliamentary Services.*

Petition of Mr. Coffey. See *Preparation and Presentation of Petition.*

Petitioner. Witness was for several years Postmaster-general in Scinde, at a salary of 1,000*l.* a year, *E. L. Coffey* 2–5——Gave up the appointment in 1856, in order to accompany the Ameer Ali Moorad Khan to this country and assist him in the recovery of his property, *ib.* 4–6——Was to receive, under agreement, 3,000*l.* from his Highness, unconditionally, and was further promised 1,000*l.* a year for life if the property were recovered, *ib.* 6–17——Before leaving India witness was to receive 1,000*l.* as one instalment of the 3,000*l.*; he got, however, only 500*l.* in India and about 500*l.* more in England, *ib.* 7. 18, 19.

Remarks in reference to a letter and enclosures sent by Mr. Butt, from Trieste, to witness's brother James, dated 3 October, and marked "confidential," *E. L. Coffey* 119–134——Examination relative to the written agreement between the Ameer and witness; payment was not conditional upon witness serving him faithfully, *ib.* 139–146. 152——Witness has still a claim of more than 3,000*l.* against the Ameer, upwards of 1,000*l.* being for money paid on his account, *ib.* 147, 148. 158–170——Explanation relative to letters from witness to Mr. Vernon Smith in November, December, and January last, relative to the treatment he had experienced from Mr. Butt, *ib.* 205. 213–221.

Witness delivers in a memorandum of the agreement between the Ameer and himself relative to his remuneration; explanation hereon, *E. L. Coffey* 294–301——Witness expects to get from the Ameer the 3,000*l.* due to him, notwithstanding the representations of Mr. Butt to the Ameer, *ib.* 668, 669.

Translation of the agreements in Persian between the Ameer Ali Moorad and Mr. Coffey, dated 25th February 1856, for the payment to the latter of 30,000 rupees for three years' service as secretary to his Highness, from the 1st April 1856, *Prinsep* 781.

Less cordial terms latterly between witness and Mr. Coffey in consequence of his disrespectful conduct towards the Ameer, *Mirza Ali Ackbar* 989, 990——Claim by Mr. Coffey of about 2,000*l.* from the Ameer as due to him under agreement; refusal of the Ameer to admit the claim, *Butt* 1989–1991.

Revival recently of affectionate feeling between witness and his brother Edward, *J. C. Coffey* 2564, 2565——Strong and painful feeling entertained by witness in regard to the conduct of his brother on the receipt of Mr. Butt's letter from Trieste, in October 1857, and after subsequent personal communication with Mr. Butt, *ib.* 2583. 2585——Facts have since come to light more favourable to his brother's character, *ib.* 2584. 2595 *et seq.*——Witness produces a corrected copy of Mr. Butt's letter from Trieste; explanation as to his having omitted a certain passage which appears in the original, *ib.* 2586–2594.

Letter from Mr. Butt to Mr. James Coffey, dated Trieste, October 3, 1857, enclosing certain documents, and explaining in detail the steps which led to the dismissal of Mr. Edward Coffey from the service of the Ameer, *App. p.* 1–4.

Report, 1857-8—*continued.*

Petitioner—continued.

Letters from Mr. E. L. Coffey to Mr. Vernon Smith, dated 25th November 1857 and 12th December 1857, explanatory of his conduct in regard to the Ameer, denying the charges brought against him by Mr. Butt and others, and calling upon the Board of Control for interference, with a view to his vindication of his character, *App. p.* 7–12.

Letter from Mr. James Coffey to Mr. Edward Coffey with reference to the conduct of the latter, which led to the letter from Mr. Butt, dated Trieste, October 3, 1857, *App. p.* 7.

See also *Defalcations. Dismissal of Mr. Coffey. Loyalty of the Ameer. Money Arrangement. Return of the Ameer.*

Preparation and Presentation of Petition. In bringing forward the case under inquiry, witness explains that he is actuated solely by public motives, and not by any personal feeling against Mr. Butt, *Roebuck* 1.

Employment by witness, after seeing Mr. Roebuck, of Mr. Holmes as Parliamentary agent, by whom his petition was drawn up, *E. L. Coffey* 285–292. 510–515——Witness's first interview with Mr. Roebuck was about eight or ten days ago, *ib.* 407.

Presence of Mrs. Parr at one or two of the interviews with Mr. Roebuck, she being anxious for the presentation of the petition in order to clear herself from an aspersion that witness had introduced her at Vienna as his wife, *E. L. Coffey*, 408–425. 473——Witness suspended proceedings on the receipt of a certain letter from his brother James early in November until he had seen Mrs. Parr; extent to which the proceedings had gone at this period, *ib.* 425–441. 474–481——Nature of the statements made by witness before Mr. Roebuck at his interviews with him, *ib.* 482–484. 516–520——The proceedings are all founded upon the statements in witness's letter to Mr. Vernon Smith on the 25th November; this letter read; it was drawn up by witness and Mr. Hale, a barrister, *ib.* 493–509.

Part taken by witness in forwarding the petition, independently of her main object in vindicating her character, *Parr* 1082–1103.

On receiving a certain letter from witness, Mrs. Parr said she would withdraw from the case, *Butt* 2038——Statement as to witness having heard from a person entirely unknown to him of the intended presentation of the petition on the Tuesday before it was presented; this person saw witness on two occasions, but he has no idea who it was; it was not Mr. Holmes, *ib.* 2039–2060. 2070–2072——Witness telegraphed for Mr. James Coffey in consequence of what was said by his unknown informant, *ib.* 2045–2047. 2052–2054.

Reference to two letters from witness to Mr. Roebuck relative to the presentation of the petition; witness has not by him the answer of Mr. Roebuck, *Butt* 2061–2069——Witness cannot find Mr. Roebuck's letter in reply to witness's communication relative to the petition; outline of the contents of this letter, *ib.* 2149–2151.

Since his former examination witness has ascertained that the person who informed him of the intended presentation of the petition did so as a friend, and was in no way connected with Mrs. Parr, *Butt* 2152.

Witness took down in writing a statement by Mr. Coffey (*App. p.* 20, 21.) as foundation for the petition, but gave up the statement to Mr. Coffey before the Committee met, *Holmes* 2638–2642——Explanation relative to sundry corrections and alterations in the document since it left witness's hands; corrections previously by Mr. Coffey, *ib.* 2643–2649. 2656–2666. 2670——The statement was corrected by Mr. Coffey on perusal, *ib.* 2649. 2656.

Neither directly nor indirectly has witness had any communication with Mr. Butt relative to the original statement drawn up from Mr. Coffey's dictation, *Holmes* 2650–2652. 2669——Witness first acted for the petitioner about a fortnight ago; he ceased to be employed through some notion that he was communicating with Mr. Butt, *ib.* 2667–2669.

Letters from Mr. Butt to Mr. Roebuck relative to the presentation of petition, and asking for a few days delay in order to be prepared with papers, &c. in refutation of the charge, *App. p.* 17, 18.

See also *Defalcations.*

President of the Board of Control. See *Board of Control.*

Prinsep, Henry Thoby. (Analysis of his Evidence.)—Translation of the agreement in Persian between the Ameer Ali Moorad and Mr. Coffey, dated 25th February 1856, for the payment to the latter of 30,000 rupees for three years' service as secretary to his Highness, from the 1st April 1856; 781——Translation of a letter in Persian from the Ameer to Mr. Butt, complaining of Mr. Coffey's conduct in making excuses for detaining him at Trieste, 782——As regards the Mahommedan festival of the Mohurrun, it took place in 1857 about August or September, 783–786.

[Second Examination.]—Translation of the letters in Persian referred to by Ali Ackbar as having been received from Ali Moorad; accuracy in the main of Ali Ackbar's translation,

Report, 1857-8—*continued.*

Prinsep, Henry Thoby. (Analysis of his Evidence)—*continued.*

lation, 1384-1387. 1398——Authenticity of these documents considered; the handwriting is very similar to that of a postscript written by the Ameer, but is not so exactly like as to be certain proof of identity, 1388-1398.

R.

Restoration of Lands, &c. The arrangement for the second 5,000*l.* to be paid to Mr. Butt was made on its being understood from Mr. Butt that, through his instrumentality, a despatch was about to be sent to India, ordering certain lands to be restored to the Ameer, and a large sum of money for some forts, *E. L. Coffey* 547-572—— Impression of the Ameer that the despatch has gone, *ib.* 667. 669.

Correction by the Board of Control of the answer drafted by the Court of Directors, in reply to the second petition of Ali Moorad; hope of concession held out in the corrected letter sent to the Ameer, *Mangles,* 1337-1341. 1348. 1365-1372——No letter or despatch was ever sent, or intended to be sent, to the Indian Government, of the same tenor as the corrected letter sent to the Ameer, *ib.* 1368. 1376-1378——The letter in question was sent to the Ameer on the 19th August, just before he left England, *ib.* 1373-1375. 1379-1382.

Circumstance of Mr. Butt having told witness that a despatch was to be forwarded to India, by which the Ameer should receive back a portion of his territory and a compensation of 45,000*l.* for certain forts, &c., *D. Coffey,* 1717-1727——Witness never promised the Ameer a copy of the despatch which was expected to be sent to India, *Butt,* 2193-2201 ——Whether a public despatch has been sent or not, witness is not aware, but such despatch should have been sent, *ib.* 2407-2410.

Letter from Mr. Coffey to Mr. Butt, dated Monday, *en route* to Frankfort, with reference to the promised despatch, *App. p.* 5.

Letter from the Secretary of the East India Company to the Ameer Ali Moorad, dated August 1857, recommending the return of the Ameer to Scinde, and hoping that his conduct may be such as to lead to a more favourable consideration of his case than hitherto, *App. p.* 16.

See also *Board of Control. East India Company. Money Arrangement. Parliamentary Services. Turban Lands.*

Retaining of Mr. Butt. As regards the retaining of Mr. Butt, witness never paid any fee except the 20*l.* for the consultation with Sir F. Kelly, *E. L. Coffey* 605-609. 613-618 ——Witness retained Mr. Butt on the part of the Ameer, and solicited his advocacy of the case in Parliament, *D. Coffey* 1404-1410——Witness explains, that in engaging Mr. Butt no actual retainer was paid, nor was there any agreement that he was to be paid for his services, *ib.* 1434-1444. 1451-1453—— Reference to Mr. Hunt's bill of costs as showing that witness declined a general retainer, as he wished to be free to advocate the matter in Parliament, *Butt* 2319.

Return of the Ameer. It was arranged, about July 1857, that the Ameer should return to Scinde, and Mr. Butt and Mr. Vernon Smith advised that he should get back as quick as possible, *E. L. Coffey* 306-310——Witness and the Ameer left London on the 22d August, and arrived at Trieste on the 11th September; examination hereon as to their not having reached Trieste in time for the packets on the 27th of August or 16th September, *ib.* 311-358——Witness had lodged a cheque for 100*l.* for the passage from Trieste to Alexandria, but after Mr. Butt's arrival there it was returned, *ib.* 530-537——Reference to an interview at the Board of Control, about August 1857, at which the Ameer and witness were introduced by Mr. Butt, when Mr. Vernon Smith stated that it was desirable the Ameer should go to India forthwith, *ib.* 621-632. 779——As regards the Ameer's statement that witness was constantly making excuses for delaying his journey to India, witness states that allowance was not made for the difficulty in getting money on account of the Ameer, *ib.* 754.

Translation of a letter in Persian from the Ameer to Mr. Butt, complaining of Mr. Coffey's conduct in making excuses for detaining him at Trieste, *Prinsep* 782, and *App. p.* 3——Long time necessarily required for the journey from Paris to Vienna, as the Ameer would not travel after sunset; delay at Frankfort and other places, contrary to the wishes of Mr. Coffey, *Parr* 828-836. 902-907. 1038-1044——Translation of the letter sent to witness by the Ameer from Trieste; strong complaints therein of Mr. Coffey's conduct in delaying the journey of the Ameer. *Mirza Ali Ackbar* 979——Probability of the Ameer wrongfully accusing Mr. Coffey of attempting to delay his journey; insincerity of the Ameer adverted to hereon, *Parr* 1049-1061.

Impression that the mutiny did not influence the Directors in recommending the Ameer's return to Scinde, *Mangles* 1352-1357——Suggestion by witness to the Ameer that he should return to India quickly, *Right Hon. R. V. Smith* 1575-1577——Witness

Report, 1857–8—*continued.*

Return of the Ameer—continued.

approved of Mr. Butt's journey to Vienna, with a view to the Ameer going on to India without delay, *Right Hon. R. V. Smith* 1645, 1646.

Suggestion of Mr. Vernon Smith that, on the presentation of the memorial, the Ameer should at once return to India, *Butt* 1886–1890——When the Ameer left England, it was understood that he was to travel as quickly as possible, *ib.* 1949, 1950——Witness was to have left in September or October, *ib.* 1951——First intimation which witness had that the journey of the Ameer was delayed, *ib.* 1952——Particulars as to witness having, after the news received through the telegrams, set out for Vienna and Trieste, accompanied by Captain Langley, as interpreter, and Mr. Irwin, *ib.* 1954, 1955——Before starting, witness saw Mr. Vernon Smith, who approved of his going, *ib.* 1956.

Want of pre-arrangement by Mr. Coffey for the journey of the Ameer, and necessary postponement of his departure from Trieste, greatly to his pain and vexation, *Butt* 1976–1978——Necessary stay of witness at Trieste till a few days before the Ameer left, in order to raise money for the expense of his journey; how this was done, *ib.* 2008——After a certain interview at the Board of Control, the Ameer was satisfied to return, *ib.* 2192——Although the Ameer did not leave till he had an answer to his memorial to the Court of Directors, he had previously made arrangements for his departure, *ib.* 2202–2208.

Letter and telegram from Mr. Coffey to Mr. Butt, at Dublin, dated Trieste, 15th September 1857, urging him to join the Ameer forthwith at Trieste, *App. p.* 5——Letter from Mr. Coffey to Mr. Butt, dated Trieste, 22d September 1857, relative to the journey of Mr. Butt to Trieste, *ib.* 1.

See also *Loyalty of the Ameer.*

Roebuck, J. (Member of the Committee). (Analysis of his Evidence.)—In bringing forward the case under inquiry, witness explains that he is actuated solely by public motives, and not by any personal feeling against Mr. Butt, 1.

Outline of the circumstances under which the Ameer Ali Moorad came to England in 1857 with a petition for the recovery of property of which he had been deprived, 1——Responsible position filled by Mr. Coffey in Scinde previously to his accompanying the Ameer to England as secretary, *ib.*——Arrangement between the Ameer and Mr. Coffey as to the remuneration of the latter, *ib.*

Outline of an arrangement between Mr. Coffey and Mr. Butt, whereby the latter was to receive from the Ameer a certain sum if he succeeded in recovering his property for him, *ib.*——Allegation as to Mr. Butt having received, in the first instance, a sum of 300 *l.*, *ib.*——Allegation as to his having subsequently received a sum of 2,000 *l.*, *ib.*——Three blank stamps were also to be filled up in his favour for 8,000 *l.*, *ib.*

S.

Saunders, John. (Analysis of his Evidence.)—Cashier of the London Joint Stock Bank, 1191——Recollects the payment of a cheque on the bank for 1,999 *l.* in August 1857; numbers of the notes given by witness for the cheque, 1193–1200.

Smith, the Right Hon. Robert Vernon (Member of the House). (Analysis of his Evidence.)—As President of the Board of Control, was communicated with by Mr. Butt on several occasions, during the Session of 1857, relative to the case of Ali Moorad, 1511. 1517–1519——Doubt whether Mr. Butt had any important communication with witness in 1856; proceedings of Mr. Butt on the subject in Parliament adverted to hereon; 1512–1516. 1551–1556. 1568–1570. 1617. 1624, 1625.——Mr. Butt strongly and ably enforced the claims of Ali Moorad, and submitted a paper on the subject, urging more particularly the restoration of the turban lands, 1520. 1525.

Frequent practice of Members of Parliament to communicate with witness relative to the affairs of Indian princes, 1520. 1623. 1626–1629——Part taken in Parliament by Sir FitzRoy Kelly relative to the Ameer Ali Moorad, 1520, 1521. 1619–1621——Mr. Butt said nothing to witness about a compromise in the case of the Ameer, but said something about its being unadvisable to bring the case before the House of Commons, 1522–1531.

Alteration by witness of a letter written by the Court of Directors to Ali Moorad, in answer to his memorial to them, 1532–1536——Different views of witness and of the Directors in regard to the treatment of the Ameer; witness considered that he was clearly guilty of forgery in a treaty, and that he deserved punishment, but that, having behaved well for seven or eight years, he was deserving of some mitigation of the original sentence, 1538–1540. 1581–1600——Witness wrote a private letter to Lord Elphinstone, in accordance with the corrected reply sent to Ali Moorad; Mr. Butt was probably made aware by the 20th August of the despatch of this letter, as well as of the correction of the draft letter to Ali Moorad; 1540–1550. 1605–1616.

Report, 1857-8—*continued.*

Smith, the Right Hon. Robert Vernon, M.P. (Analysis of his Evidence)—*continued.*

Witness was not aware that Mr. Coffey was Ali Moorad's secretary, and never expressed to Mr. Butt any opinion about the expediency of his being dismissed from the Ameer's service, 1557–1567——Reference to the telegram from Vienna in regard to Mr. Coffey's statement about the Ameer's disloyalty; answer by witness thereto, 1562–1567——Interviews of witness with Ali Moorad, contrary to the wishes of the Court of Directors, who declined to receive him personally, 1574. 1581–1584——Suggestion by witness to the Ameer that he should return to India quickly, 1575–1577.

Probability of witness in a private letter to Mr. Butt having expressed a hope that he would not bring forward the matter in the House of Commons; explanations hereon, 1578–1580. 1604——Witness had no communication with Mr. Coffey about the Ameer, and saw him only once or twice, 1601–1603——Except by a motion for papers in March, Mr. Butt took no Parliamentary proceedings in the matter in the last Session, 1618–1622——In granting interviews to Members of Parliament of the legal profession, witness had no idea that they, in advocating the claims of Indian princes, received fees as lawyers, or were compensated on the condition of their succeeding in their representations to witness, 1630–1633. 1639–1641.

Belief as to the inaccuracy of a statement in a letter from Mr. Butt, that witness had said he placed confidence in Mr. Coffey, 1642–1644——Witness approved of Mr. Butt's journey to Vienna, with a view to the Ameer going on to India without delay, 1645——Witness gave Mr. Butt a letter of introduction to Sir H. Seymour at Vienna, 1646.

Explanation relative to the memorandum forwarded to Mr. Butt of a statement by Ali Ackbar, accusing Mr. Coffey of defalcations, 1647–1660——As regards a statement in this memorandum that Mr. Coffey had received from the Ameer two sums of 300 *l.* and 2,000 *l.*, Mr. Butt did not explain that it was he who had received those sums, 1652–1654. 1660. 1663——The conversation between witness and Mr. Butt before the departure of the latter for Vienna referred almost exclusively to the telegraphic information imputing disloyalty to the Ameer, 1661, 1662.

Smith, Right Hon. R. V. See *Board of Control.*

Surat, Nawab of. Reference to the frequent communication of Members of Parliament with witness in the case of the Nawab of Surat, *Right Hon. R. V. Smith* 1520. 1623. 1628.

T.

Telegram from Vienna. See *Loyalty of the Ameer.*

Turban Lands. In his interview with witness, Mr. Butt dwelt particularly on the subject of the turban lands, *Sir J. W. Hogg,* 1254–1256——Witness has not expressed an opinion that the turban lands should be restored, *Right Hon. R. V. Smith* 1592–1596——In May 1857 the Ameer gave witness certain information which showed that he was entitled to the turban lands, *Butt* 1872–1875——Feeling of the Ameer in favour of a compromise by the restoration merely of the turban lands, *ib.* 1877——Lord Dalhousie recommended that these lands should be left with the Ameer, *ib.* 1883.

See also *Board of Control. East India Company. Restoration of Lands, &c.*

W.

Williams, Owen Thomas. (Analysis of his Evidence.)—Clerk in Messrs. Glyn & Co.'s bank, 790——On the 22d August last Mr. Butt paid in to his account 1,600 *l.* in three notes; number of each note, 791–797.

REPORT

FROM THE

SELECT COMMITTEE

ON THE

PETITION OF

WILLIAM HENRY BARBER;

WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND INDEX.

Ordered, by The House of Commons, *to be Printed,*
7 *July* 1858.

Martis, 15° *die Junii*, 1858.

SELECT COMMITTEE appointed "to inquire into the Allegations contained in the Petition of William Henry Barber, presented upon the 27th day of April last, and to consider and report whether any, and what, steps should be taken in reference thereto."

Lunæ, 21° *die Junii*, 1858.

Committee nominated:—

Mr. Brady.	Mr. Adams.
Mr. Hardy.	Sir John Trollope.
Mr. Milner Gibson.	Viscount Goderich.
Lord Hotham.	Mr. Massey.
Mr. Bright.	Mr. Arthur Mills.
Mr. Wilson.	Mr. Cobbett.
Mr. Crossley.	Mr. Yorke.
Mr. Collier.	

Ordered, THAT the Committee have power to send for Persons, Papers, and Records.

Ordered, THAT Five be the Quorum of the Committee.

Mercurii, 7° *die Julii*, 1858.

Ordered, THAT the Committee have power to Report their Observations and Minutes of Evidence.

REPORT - - - - - - - - - - - - - p. iii

PROCEEDINGS OF THE COMMITTEE - - - - - - p. iv

MINUTES OF EVIDENCE - - - - - - - - - - p. 1

INDEX - - - - - - - - - - - - - - p. 73

REPORT.

THE SELECT COMMITTEE appointed to inquire into the Allegations contained in the PETITION of *William Henry Barber*, presented on the 27th day of April last, and to consider and Report whether any and what Steps should be taken in reference thereto ;——HAVE considered the Matter to them referred, and agreed to the following REPORT :

YOUR COMMITTEE have inquired carefully into the allegations of the Petition, and find them to have been substantially proved.

Your Committee have not entered upon the consideration of the question whether, in the present or like cases, pecuniary compensation should be granted, the rules and practice of The House precluding them from recommending any grant of public money. Your Committee cannot, however, forbear to state, that the facts presented to their notice in respect to the conviction of Mr. Barber, to the sufferings he endured during the time his sentence was being carried out in Norfolk Island, and to his subsequent exculpation from the charge on which he was convicted, are so peculiar as to render his case exceptional; and Your Committee desire to express their opinion that Mr. Barber has strong claims on the favourable consideration of the Crown.

7 July 1858.

PROCEEDINGS OF THE COMMITTEE.

Jovis, 24° die Junii, 1858.

MEMBERS PRESENT:

Mr. Hardy.	Mr. Massey.
Viscount Goderich.	Mr. Yorke.
Mr. Adams.	Mr. Collier.
Lord Hotham.	Mr. Arthur Mills.
Mr. Brady.	

Lord HOTHAM, called to the Chair.

The Committee considered their future course of proceeding.

[Adjourned to Tuesday next, at Twelve o'clock.

Martis, 29° die Junii, 1858.

MEMBERS PRESENT:

Lord HOTHAM, in the Chair.

Mr. Milner Gibson.	Viscount Goderich.
Mr. Yorke.	Sir John Trollope.
Mr. Brady.	Mr. Arthur Mills.
Mr. Massey.	Mr. Cobbett.
Mr. Hardy.	Mr. Crossley.
Mr. Collier.	

Mr. *William Henry Barber*, called in, and examined.

Committee deliberated.

[Adjourned to Tuesday, 6th July, at Twelve o'clock.

Martis, 6° die Julii, 1858.

MEMBERS PRESENT:

Lord HOTHAM, in the Chair.

Mr. Hardy.	Mr. Wilson.
Sir John Trollope.	Mr. Milner Gibson.
Mr. Bright.	Mr. Massey.
Mr. Brady.	Mr. Cobbett.
Mr. Collier.	Mr. Adams.
Mr. Arthur Mills.	Mr. Yorke.
Mr. Crossley.	

Major-General *Childs*, Mr. *Rogers*, and Commissary-General *John William Smith*, examined.

[Adjourned to To-morrow, at Twelve o'clock.

Mercurii, 7° die Julii, 1858.

MEMBERS PRESENT:

Lord HOTHAM, in the Chair.

Sir John Trollope.	Mr. Adams.
Mr. Brady.	Mr. Hardy.
Mr. Milner Gibson.	Mr. Collier.
Mr. Massey.	Mr. Bright.
Mr. Wilson.	Mr. Cobbett.
Mr. Arthur Mills.	Mr. Crossley.
Mr. Yorke.	

Mr. *Barber*, examined.

Committee deliberated.

Motion made and Question proposed (Mr. *Brady*), "That *Robert Peckham* be called in and examined."

Question put, and agreed to.

Robert Peckham, examined.

Committee deliberated.

Draft Report proposed by Mr. *Yorke* read 1°, as follows:

"Your Committee have inquired carefully into the allegations contained in the petition of William Henry Barber, and find them to have been substantially proved.

"But inasmuch as it appears that, by a Standing Order of the House of Commons, Your Committee have no power to recommend a grant of public money in such a case, they are precluded from entering on the question of compensation.

"Your Committee are, nevertheless, of opinion, that the facts presented to their notice in respect of the trial of Mr. Barber, and during his sentence in Norfolk Island, are so peculiar as to make them wholly exceptional, and they have on that account come to the conclusion that it is a subject which might fairly be dealt with by the Government or the House of Commons."

Proposed Draft Report read 2°, and considered, paragraph by paragraph.

Paragraph 1 read, and agreed to.

Paragraph 2 read, as follows: "But inasmuch as it appears that, by a Standing Order of the House of Commons, Your Committee have no power to recommend a grant of public money in such a case, they are precluded from entering on the question of compensation." Question, "That this paragraph stand part of the proposed Report," put, and negatived. Motion made, and Question proposed, "That the following paragraph be added to the proposed Report (Mr. *Hardy*): 'Your Committee have not entered upon the consideration of the question, whether in the present, or like cases, pecuniary compensation should be granted, the rules and practice of the House precluding them from recommending any grant of public money.'" Question, "That this paragraph be added to the proposed Report," put, and agreed to.

Paragraph 3 read, as follows: "Your Committee are, nevertheless, of opinion that the facts presented to their notice in respect of the trial of Mr. Barber, and during his sentence in Norfolk Island, are so peculiar, as to make them wholly exceptional; and they have, on that account, come to the conclusion, that it is a subject which might fairly be dealt with by the Government or the House of Commons." Amendment proposed (Mr. *M. Gibson*), To leave out all the words after the words, "Your Committee," for the purpose of adding, "cannot, however, forbear to state that the facts presented to their notice in respect to the conviction of Mr. Barber, to the sufferings he endured during the time his sentence was being carried out in Norfolk Island, and to his subsequent exculpation from the charge on which he was convicted, are so peculiar as to render his case exceptional. Your Committee desire to express their opinion that Mr. Barber has strong claims on the favourable consideration of the Crown." Question, "That the words proposed to be left out stand part of the proposed Report," put, and negatived.

Proposed words (Mr. *Gibson*) added.

Question, "That the paragraph, as amended, stand part of proposed Report," put, and agreed to.

Question, "That the proposed Report, as amended, be the Report of the Committee to the House."

Ordered to Report, together with the Minutes of Evidence.

LIST OF WITNESSES.

Martis, 29° die Junii, 1858.

Mr. William Henry Barber - - - - - - p. 1

Martis, 6° die Julii, 1858.

Major-general Joseph Childs - - - - - - p. 33
Rev. Thomas George Rogers - - - - - - p. 53
John William Smith, C. B. - - - - - - p. 66

Mercurii, 7° die Julii, 1858.

Mr. William Henry Barber - - - - - - p. 69
Mr. Robert Peckham - - - - - - - p. 70

MINUTES OF EVIDENCE.

Martis, 29° *die Junii*, 1858.

MEMBERS PRESENT.

Mr. Brady.	Sir John Trollope.
Mr. Hardy.	Viscount Goderich.
Mr. Milner Gibson.	Mr. Massey.
Lord Hotham.	Mr. Arthur Mills
Mr. Crossley.	Mr. Cobbett.
Mr. Collier.	Mr. Yorke.

LORD HOTHAM, IN THE CHAIR.

Mr. *William Henry Barber*, called in; and Examined.

Mr. *W. H. Barber.*

29 June 1858.

1. Mr. *Brady.*] YOU are an attorney and solicitor?—I am.
2. Where do you reside at present?—At 25, Surrey-street, Strand.
3. Where do you carry on your practice?—At 29, Nicholas-lane, Lombard-street.
4. How long were you in practice before you were brought to trial?—Eight years, from 1836 to 1844.
5. With whom, and for what period had you served your clerkship?—I served my articles with Messrs. Scoones, of Tunbridge, with whom I continued 17 years.
6. Mr. *Collier.*] It appears from your petition that in 1843 you were apprehended and committed for trial?—I was.
7. And in the April following you were indicted?—I was.
8. I presume you were admitted to bail on your committal?—No; bail was refused.
9. Were you in prison during the interval between your committal and the trial?—Yes, I was in prison four months; I applied to be admitted to bail, and the application was refused.
10. Then you were in prison some time before your trial?—I was in prison four months before the trial.
11. Who were the prosecutors?—The Commissioners for the Reduction of the National Debt were the prosecutors.
12. You were prosecuted for certain forgeries and frauds, along with Fletcher and others?—Yes.
13. How many bills of indictment were preferred against you?—There were four bills of indictment.
14. Will you state the substance of the charge?—The charge was, that I had uttered certain forged documents knowing them to be forged.
15. What were the particular documents?—There were three wills and an administration bond, a bond given on the grant of letters of administration.
16. Were those indictments in respect of transactions occurring in four different years?—Yes.

Mr. *W. H. Barber.*

29 June 1858.

17. Did each indictment relate to a transaction occurring in separate years?—Occurring in four different years.

18. I believe three of the indictments related to the uttering of forged wills, and the fourth related to the uttering of a forged bond?—Yes; connected with the letters of administration.

19. Was it in your capacity of solicitor in those transactions that you were indicted for uttering those documents?—It was in my capacity of solicitor that I did utter them; I was not indicted for uttering them in that capacity.

20. That was not any part of the indictment; it did not charge you with uttering them as a solicitor?—No; it did not.

21. You were not indicted for actually forging those documents, but for uttering them, knowing them to be forged?—I believe there was a count for forging the documents, but no evidence was given upon that.

22. The indictments contained charges of forging and of uttering three wills and an administration bond, knowing them to be forged?—I believe so, but I never had a copy of the indictments; a prisoner is not entitled to a copy of an indictment; he must put forward his defence to the indictment without ever seeing it.

23. When did the trial take place?—In April 1844.

24. Joshua Fletcher was indicted with you, was he not?—Yes, he was.

25. He was a retired surgeon, it appears?—He was.

26. Was he a man of fortune?—Of very considerable property; I should think he was worth at least 10,000*l.*, perhaps 20,000*l.*

27. How long had you known Fletcher?—I had known him since the year 1839.

28. Had you known him privately as well as professionally?—Not at all.

29. Merely professionally?—Merely professionally. He was an utter stranger to me in any other character.

30. What kind of business had you done for him before then?—One transaction relating to ejecting a tenant of one of his houses; he had a good deal of house property.

31. You had had legal business with him connected with his house property?—Yes, and preparing conveyances of property he had purchased.

32. With the exception of that legal business which you transacted for him, had you any further knowledge of him beyond knowing that he was a man of property?—None whatever; I knew he was a man ostensibly in a good position and of good property; real property.

33. Then Joshua Fletcher, whom you have thus described, and your acquaintance with whom you have described, was indicted at the same time with you?—He was included in the same indictment.

34. With respect to the four indictments of which you spoke, was Fletcher indicted jointly with you upon each of those?—He was.

35. Was any one else included in the indictment?—Parties who acted as personators in each case were included in each indictment. There were four separate frauds; Fletcher was concerned in each of those frauds, and he was compelled to bring a different person to me in each case, or I should have recognised him or her as the same person who had been on a former occasion, therefore he had four different persons as false personators.

36. Then we understand there were four indictments against you, and each of those included Fletcher?—Yes.

37. Did they each include those other persons?—They included the parties engaged in each separate case; Fletcher was concerned in all of them, but only one of the other parties was concerned in each.

38. What were the names of the other parties indicted?—There was Mrs. Dorey, Mr. Sanders, Mrs. Sanders, and a man named Griffin was originally indicted, but he was admitted as Queen's evidence.

39. A verdict of not guilty was taken for him, I suppose?—A verdict of not guilty was taken for him.

40. Before the trial came on, did you apply to be tried separately?—I did.

41. Who were your counsel?—Mr. Serjeant Wilkins and Mr. Parry.

42. Who acted as solicitor for you?—A gentleman named Bramwell.

43. Who

43. Who was the judge to whom you applied for a separate trial?—The late Baron Gurney.

44. Was the application made at the Central Criminal Court?—It was.

45. Was it opposed on the part of the Commissioners of the Treasury?—It was opposed on the part of the Attorney-general, representing the Commissioners for the Reduction of the National Debt, who were the prosecutors.

46. Who was the Attorney-general at that time?—Sir Frederick Pollock, afterwards Chief Baron.

47. Was the application refused?—It was refused.

48. What was the ground upon which it was made?—The ground was that it would be quite impossible for me to prove that I was not an accomplice as alleged, without the evidence of the parties under whose instructions I had acted, who in fact had planned and perpetrated the frauds.

49. I suppose that was argued upon both sides by your counsel and the counsel for the Crown, and eventually the application was refused?—Yes, it was refused, because the prosecution would not consent to it.

50. Did the present Chief Baron, as Attorney-general, conduct the prosecution?—He conducted the prosecution on the first indictment; there were two indictments tried; on the first I was acquitted. Before the second came on, the Attorney-general became Chief Baron, and Mr. Erle, afterwards Mr. Justice Erle, was called in to hold his brief.

51. You have spoken of four indictments; when was the first trial, as nearly as you can recollect?—It was early in the month of April. It was at the April sessions; the trials altogether lasted ten days.

52. How long did the first trial last?—The first trial lasted four days.

53. In that indictment you were joined with Fletcher, and with whom else?—With Fletcher, Mrs. Dorey, and a man named Griffin, who was admitted Queen's evidence.

54. Then after the trial had lasted four days you were acquitted?—Yes, without any hesitation at all.

55. Then with respect to the second indictment; that came on immediately after?—That came on, I think, after an interval of one day.

56. In that you were indicted with Fletcher, and with whom else?—With Fletcher, Mrs. Dorey, Sanders and his wife.

57. Sanders and his wife were added to that?—Yes.

58. What was the result of the second trial?—I was convicted.

59. How long did that trial occupy?—Six days.

60. What became of the other indictments?—The prosecution abandoned them. My counsel pressed them to try those cases, because they would throw great light upon the last case upon which I had been convicted, but the prosecution refused, though very much pressed to try those cases.

61. You say in your petition, "that on the fourth of the said charges your petitioner was tried jointly with Joshua Fletcher and other persons; and your petitioner, though entirely guiltless of this as of all the other offences charged, having failed (through the disadvantages to which he was exposed in his defence, as presently to be mentioned) to convince the jury of his innocence, was convicted." I understand you now to say you were convicted on the second of the indictments?—No, I did not intend to say that; I was convicted on the fourth indictment; it was the second trial, because they skipped over the second and third indictments.

62. Mr. *Milner Gibson.*] Did they abandon the two intermediate indictments before you were tried on the fourth?—I ought to mention that the two cases which they refused to try followed naturally, in order of date, upon the first, upon which I was acquitted, and the fourth case was Slack's; that was the one on which I was convicted. The two they abandoned occurred chronologically between that on which I was acquitted and that on which I was convicted.

63. Mr. *Collier.*] They began with the first in order of date, and upon that you were acquitted, and then they took the last in order of date, and upon that you were convicted?—Just so.

64. Did the Crown abandon the second and third indictments before or after you were tried on the fourth?—Before, I believe.

65. *Chairman.*] Did they give notice that they would abandon those indictments?—They gave notice in Court that they should not offer any evidence upon them.

Mr. W. H. Barber.

29 June 1858.

66. Before the trial in Slack's case?—Yes, I believe so.

67. Mr. *Yorke.*] What was the interval which occurred between the abandonment of those two indictments, and the second trial?—Between the trial in which I was acquitted, and the trial upon which I was convicted, I believe there was an interval of one day.

68. I understand that there were two indictments which were set aside?—There were two intermediate indictments which were abandoned.

69. What was the interval which elapsed between the trial upon which you were acquitted, and the abandonment of those two indictments, and the trial upon which you were convicted?—I can hardly say; the interval between the two trials was only one day; I think it occurred in this way: after I was acquitted in the first case there was an interval of one day; on the following day we were to proceed with the other trials; then the Government gave out they should proceed with Slack's case, which was the fourth; then Mr. Serjeant Wilkins inquired whether they would not proceed with the other two cases, and then it was they said they should not proceed with those; I am not quite certain, I do not think they said that positively then, but they were asked to proceed with those cases before they proceeded with Slack's, and they said, "No; we shall proceed with Slack's case;" after I was convicted they were much pressed to proceed with the other two cases.

70. Mr. *Collier.*] Then on re-consideration you say, as far as you recollect, they did not pledge themselves to give up the two intermediate indictments until after the second trial?—No, they did not.

71. Then they reserved the power of going on with them or not, only intimating that possibly they might abandon them?—Just so.

72. Then the second trial proceeded?—Yes.

73. You say these transactions occupied four years?—They did not occupy four years, they each occupied a very short time; they occurred in four different years.

74. There was an interval of nearly four years between the first and the last?—Yes.

75. And therefore those two intermediate indictments, which were abandoned, related to two transactions, which occurred in the two intermediate years?—Yes.

76. And your counsel applied to have them tried in order?—Yes.

77. You have spoken of Slack's case; perhaps you will explain a little more particularly the nature of that case upon which you were convicted?—In Slack's case, there was a sum of 3,500 *l.* in the Consols, which had gone to the Commissioners for the Reduction of the National Debt. Fletcher pretended to have been inquiring, and for aught I know had been inquiring, to find out the real owners of that property, and some communication took place with parties who, from the information they themselves furnished, did not appear to be the owners. Fletcher pursued his inquiries, and he eventually professed to have discovered the true owners. Apparently, there was not the smallest doubt of it, for the evidence, so far as I could see, or anybody could see, was conclusive, if genuine; but it turned out the evidence was forged. The party brought forward a will which, if genuine, would have been conclusive; that will turned out to be a forgery. I acted in the usual way on the party being introduced to me. I had a copy of the will made by one of the clerks in my own office; I sent the will down stairs for that purpose, and when that was done I went with the lady, who was introduced to me by Fletcher as a most respectable person. She was in deep mourning. I went with her to my proctor; the will was then proved, and that was the act upon which I was indicted for uttering a forged will. Then, after about the usual time for proving the will, the probate was forwarded to us; it was then lodged in the Bank of England; the Bank took the usual time which they take in cases of unclaimed dividends, which is about a fortnight; they scrutinise the documents, they examine into the claim, and at the end of that time they notified to us that they were perfectly satisfied, and the claimant was at liberty to deal with the stock whenever she thought proper. Accordingly, it was received by those parties.

78. You said you were convicted upon the fourth indictment, were the other parties convicted also?—I was convicted, and Fletcher and Mrs. Dorey were convicted; Sanders was not convicted; the course which was taken in respect to him was this, the prosecution had him entirely in their hands, because he had nothing to hope for except from their mercy, which he and his wife obtained.

After

After that trial had taken place he pleaded guilty to the charge in one of the two other cases, and therefore they did not proceed against him.

79. What was the sentence upon you?—The sentence upon myself was transportation for life; that upon Fletcher the same; the sentence on Sanders was only seven years' transportation; upon the one indictment to which he had pleaded guilty, though he had been the chief agent in all the frauds. The sentence upon Mrs. Dorey was two years' imprisonment, and upon Mrs. Sanders two years' imprisonment.

80–1. With regard to the trial, I observe in paragraph 11 of your petition, you say, "Your petitioner was also greatly prejudiced by the non-production for examination of a most important witness subpœnaed by the prosecutors, and whose attendance in the neighbourhood of the court was known to them, but who could not be found by your petitioner or his solicitor, notwithstanding the most active and diligent efforts were made on behalf of your petitioner to discover and produce such witness for examination." Who do you allude to there?—That was my partner; I had made very great exertions to find him, in order that I might have him as a witness at the trial; the prosecutors knew that; they knew they had him in a room in the neighbourhood, and yet their counsel, in addressing the jury, alleged, and made it a great ground of suspicion against me, that I had not produced my partner, they having subpœnaed him, and they never having put him into the box.

82. Have you stated that you were carrying on business in partnership with any one?—The question was not put to me: the fact was so.

83. What was the name of your partner?—Merrick Bircham Bircham.

84. How was it you were not able to procure his attendance?—He was kept out of the way; I believe he was frightened out of his wits, so to speak, with fear, for he said, if I was guilty, he was, and he was in constant communication with the prosecutors. At all events he kept out of my reach.

85. Did you in point of fact make efforts to find him?—I did, and an affidavit was made by my solicitor that he had made every possible exertion to subpœna him, and the trial was postponed from the March sessions to the April sessions, on that very account.

86. I understand you to say that the trial would have taken place in March but for an affidavit on the part of your solicitor, that he was in search of your former partner?—Yes, just so.

87. You know, in point of fact, that search was continued?—It was, by every possible means.

88. And he was not to be found?—No, he was not.

89. What knowledge have you of the prosecutors having got him, or of their being aware of his whereabouts?—I have a copy of a letter which was published by Mr. Freshfield in the "Times," in which he says they had subpœnaed Mr. Bircham: he admits that, and that the counsel for the prosecution in the exercise of their discretion would not call him.

90. Can you refer to that letter?—Yes. I ought to explain what produced that letter. In the application for my certificate in the Court of Queen's Bench, Mr. Serjeant Wilkins had dwelt very strongly on the fact of Mr. Bircham's keeping out of the way. Mr. Bircham's friends appear to have called his attention to that, and he published a letter to the "Times" on the subject. I published an answer, and Mr. Bircham never replied to it. That produced a letter from Mr. Freshfield; and perhaps it would be convenient at this moment if that correspondence were read: I will only mention here that he says that he hears now for the first time that he kept out of the way. On seeing that letter I immediately published an answer, in which I quoted from a number of letters in his own handwriting distinct statements, that he had kept out of the way, or meant to keep out of the way; that he had heard that Mr. Barber had been making most anxious inquiries to find him, and his solicitor had done the same, and that he had given instructions that no one of his friends should let Barber or his attorney know where he was to be found.

91. Mr. *Yorke*.] Did he give any reason why he kept out of the way?—In that letter he denied the fact; he stated he did not keep out of the way.

92. Mr. *Collier*.] Had he ever expressed himself to you as being alarmed at being liable to be placed in the same position as you?—He had shown great timidity on the subject.

93. Mr. *Cobbett*.] I understood you to say he had expressed himself as being

Mr. *W. H. Barber.*

29 June 1858.

frightened out of his wits at being as liable as you were?—He did not use that phrase. I used that to describe what was the state of his mind.

94. Can you prove he was under any alarm?—He said he was almost afraid of being accused himself; he said repeatedly, "If Mr. Barber is guilty, I am guilty."

95. Do you know the person to whom he said that?—Yes; I think I can produce a witness to whom he said that.

96. Is Mr. Bircham alive now?—I believe he is alive, I am not quite sure; I have had no communication with him since.

97. Mr. *Collier.*] Will you refer to Mr. Bircham's letter to the editor of the "Times," of the 13th May 1850?—He says "The learned serjeant is further reported as saying that he (Mr. Bircham) was not to be found at the trial, though every effort was made to get him into the witness-box by the friends of Mr. Barber, who endeavoured in all directions to find him. On this I must state, that I was subpœnaed to attend the trial by the prosecution, that I attended daily upon my subpœna in the neighbourhood of the court, and when not so in attendance, I was to be heard of and found daily, and every night at the same residence as I occupied at the time of Mr. Barber's apprehension, and during the whole period of my partnership. It was well known to Mr. Barber; and never having intended the slightest concealment, I now learn for the first time that I was not to be found." This is my answer to it: "I very much regret that my late partner, Mr. Bircham, should have placed me under the necessity of refuting the statement contained in his letter published in your columns of this day. The allegation of Mr. Serjeant Wilkins was, that Mr. Bircham kept out of the way to avoid being subpœnaed as a witness for me at my trial. Mr. Bircham wholly denies this. In justice therefore to my eloquent advocate, and to my untiring friend Mr. Stevenson, who instructed him, and indeed to myself, I feel imperatively called upon to prove that the assertion of my counsel is strictly true. A short time previously to the session of the Central Criminal Court for March 1844, my counsel, Mr. Serjeant Parry, was under the necessity of applying to the lord-mayor to postpone the trial, expressly upon the ground that Mr. Bircham could not be subpœnaed. The following is an extract from the affidavit of my solicitor, which induced the lord-mayor, by the consent of the prosecution, to comply with Mr. Parry's application: 'That in the opinion of this deponent, the said Merrick Bircham Bircham is a necessary and material witness on behalf of the said William Henry Barber, and that the said William Henry Barber could not have a fair trial without the evidence of the said Merrick Bircham Bircham. That he, this deponent, had personally made diligent inquiry for the said Merrick Bircham Bircham during several weeks past, in order to serve him with a subpœna to attend at the next sitting of the Central Criminal Court. That for this purpose he has inquired for him at his late offices, 28, New Bridge-street; at his lodgings, 2, Devonshire-street, Queen-square; at his solicitors, Messrs. Langley & Gibbon, 27, John-street, Bedford-row; and at various other places during the last three weeks; but that, notwithstanding his utmost exertions, he has been unable to serve the said Merrick Bircham Bircham with a subpœna.'"

98. Are you prepared to state to the Committee that all the allegations in that letter are correct?—Certainly; they are strictly so.

99. Was any reply to that ever published by Mr. Bircham afterwards?—Never.

100. Will you refer to the letter of Mr. Freshfield, who was the solicitor for the prosecution?—Yes; it is dated May 18th, 1850: "Our attention has been called to a letter of Mr. Barber in your paper, containing the following paragraph: 'His (Mr. Bircham's) evidence, however, did not answer their (the prosecutors') purpose, for they not only kept him out of the witness-box, but, acting under their instructions, as I have every reason to believe, he kept entirely out of my reach until the trial was over.' To this statement, so far as it relates to the prosecutors and ourselves as their solicitors, we beg to give the most unqualified contradiction. Shortly after Mr. Barber's apprehension, Mr. Bircham placed himself in the hands of a solicitor, through whom we communicated with him. We understood that Mr. Bircham was under apprehension of legal proceedings on the part of creditors of Barber & Bircham, and if he was not generally accessible, this arose from no interference on our part. In the exercise of their discretion, the counsel for the prosecutors did not call Mr. Bircham

Bircham as a witness, but we had served him with a subpœna to secure his attendance, and he attended in consequence, and would have been in court if Mr. Barber's counsel had not required all the witnesses to be excluded during the proceedings. If it is asked why we now for the first time contradict a statement published by Mr. Barber in a pamphlet upwards of a year ago, we reply, we were employed by the Government to conduct this prosecution, and having done so, our duty was discharged; and though the pamphlet contained inaccuracies of which we had personally cause to complain, it might have appeared oppressive to interfere with a document which we regarded as a pleading, having in view a distinct object of Mr. Barber. To such papers considerable latitude is allowed, and we passed by its attacks upon ourselves, as we have done statements in the speeches of Mr. Barber's counsel, of which we might justly have complained. But the insertion of a letter in the 'Times,' imputing to us conduct personally and professionally discreditable, stands on a different ground, and we can no longer forbear stating that, so far as we are concerned, the charge is altogether untrue. In conducting the prosecution against Mr. Barber, we had to discharge a most unpleasant office, but we had no personal feeling, and we confined ourselves to the strict discharge of our professional duty."

Mr. *W. H. Barber.*

29 June 1858.

101. Are those the grounds upon which you have complained in your petition, that you were greatly prejudiced by the non-production for examination "of a most important witness subpœnaed by the prosecutors"?—Yes, I was prejudiced in this way, that they knew I wanted him; they knew they had got him; they did not call him on their own behalf, or give me notice where he was; and yet their counsel taunted me with not calling him, and made it a point of great suspicion that I did not produce my own partner.

102. You state positively that during the whole of the trial you did not know where he was to be found, and that you were anxious to discover?—I was most anxious to discover this.

103. Have you any reason to know, except from that letter of his in the "Times," in which he says, "he was subpœnaed by the prosecution," that he could have given material evidence?—He could have given this evidence; he was present when I was taken to the Mansion-house; he knew perfectly well the first person I sent for was himself; we then determined we must send for Fletcher; Mr. Bircham went for Fletcher; he was present when I said this to Fletcher—"You must get into the box, Fletcher, and explain this." He showed great unwillingness to get into the box, which surprised me; I got a little indignant with him, and he said, "How shall I explain how I met with this party?" I said, "You know how he met with you; you told me how it was; you have nothing to do but to speak the whole truth; that cannot possibly injure you, while it is the only thing that can exonerate me and set me at liberty.' Mr. Bircham was present when that passed between Fletcher and myself.

104. You say he could have deposed to that which would have established your innocence?—Yes, he could have shown he was perfectly well acquainted with the case of Slack.

105. His evidence would have been important, so far as he could have shown what took place between you and Fletcher was not a secret, but was at all events communicated to him?—Yes, and he could have shown my instructions to Fletcher were to speak the exact truth, which was incompatible with any complicity on my part.

106. To speak the truth where?—He was then going to get into the witness-box at the Mansion-house.

107. In what proceeding did you go to the Mansion-house?—I was apprehended on a warrant, which charged me with uttering the will of one Anne Slack.

108. That was the proceeding before the magistrate upon which you were committed for trial, and in which you were subsequently indicted and convicted?—Yes, that was in Slack's case.

109. Have you ever met with Mr. Bircham since?—Never.

110. You have not received any communication from him?—Only once.

111. With regard to this matter?—With regard to this matter, none whatever. I have not communicated with him more than once since my return to this country; I wrote to him upon a matter of business which occurred when we were in practice together; I have never seen him since.

112. Mr. *Cobbett.*] Who do you mean when you say "they" taunted you with

Mr. W. H. Barber.

29 June 1858.

with not producing your partner?—I mean the counsel who were conducting the prosecution. In consequence of its being a Government prosecution, I was subjected to the great disadvantage of a reply from the leading counsel, which, as no evidence was called on my behalf, I should not have been exposed to in an ordinary prosecution; and in that reply Mr. Erle dwelt very strongly on Mr. Bircham's absence. Where is his partner? Why does he not call his partner?

113. Mr. *Collier.*] You mean to say that in a Government prosecution the counsel for the prosecution has a right to reply though the prisoner adduces no evidence, whereas it is otherwise in an ordinary prosecution?—Just so.

114. Upon that sentence being passed, it was in due course carried into execution?—It was.

115. You were sent to Norfolk Island?—Yes.

116. You were detained in prison some time after the sentence?—After the trial, I remained about a week in Newgate. I was then sent to Milbank; I was chained by the leg to a doubly convicted felon, and in that state I was sent to Milbank. On my arrival there, I was kept in a solitary cell for two months. At the end of that time I was removed on board a convict ship, and I was passed down by a boat from Milbank to Woolwich; there I was handcuffed and chained to half-a-dozen other men, and in that condition I was taken on board the convict ship at Woolwich. After a day or two the chains were taken off; then, after another day or two, they were put on again, and after about six days lying at Woolwich the voyage commenced. We went a considerable distance out to sea heavily chained by the leg, and keeping on those chains night and day my leg became excoriated by the pressure on the ankles; and from the awkwardness of getting into the hammock with those chains on, they hurt me at that time very much. The voyage lasted four months.

117. Mr. *Arthur Mills.*] Who was the superintendent of that convict ship?—Mr. Fuller.

118. Mr. *Collier.*] With respect to that voyage, do you allege that you were treated with unusual severity?—No, not at all; I suffered severely, but not more than could be avoided; I had to clean the deck, and to do many duties which were not very pleasant, but I had nothing to complain of on the part of the officers on board.

119. Did the chaining continue during the whole voyage?—No, the chains were taken off after we got well out to sea, I think after the fourth day.

120. From the whole of the convicts on board?—Yes.

121. Mr. *Arthur Mills.*] Was there a guard of soldiers on board?—Yes, 50 men.

122. Mr. *Collier.*] I collect from your statement, you were treated precisely as the other convicts were?—Yes.

123. You slept in the same place with them?—Yes; there were 220 convicts on board; we were divided into messes, according as we happened to go down into the hold; as we happened to go down we were chalked on the back and divided into messes of eight, and those eight men formed one mess, sitting round a sort of table for the rest of the voyage.

124. You said the voyage lasted four months?—Yes.

125. And at its termination you were landed at Norfolk Island?—Yes.

126. Were the chains put on again before you were landed?—No.

127. Now will you state as clearly as you can what occurred to you upon your landing at Norfolk Island, and how you were treated there?—On my being landed upon the island, I was put into a barrack where there were 220 other prisoners, and in consequence of the great heat of the climate, and the sudden change in the diet, I, with about 50 others of the ship's company, was invalided. We had to be examined by the medical officer, and the medical officer ordered myself and others not to go to work for that day; we were desired to go into what is called the lumber-yard, and Major Childs, the commandant (that was my first interview with the commandant), on his coming down to the station, inquired about the men who had arrived by our ship, which was the "Agincourt," and on hearing there were a great many who had not gone to work, he desired to see them, and as he stood by the principal office near the gateway of the barrack-yard, about 40 or 50 of us had to pass by him in single file. About 10 of the men had passed by him unnoticed. When I came up, I of course lifted my cap off my head respectfully to him, and he immediately said, "Let this man's hair be cut." Now my hair had been cut the very day before, as all the men's had

had when they arrived on the island. Then he asked "How is it you have not gone to work?" I said "I was ordered not to go to work, sir." "Hold your tongue, sir; go in, sir (there was a gateway standing open, he had a cane in his hand); I will see to you, Mister Barber; I will see after you." I mention this in order to show, from my first arrival in Norfolk Island, the kind of feeling which was uniformly shown towards me by the commandant.

128. Who was the commandant at that time?—Major Childs.

129. Is he in England now?—Yes, he is; he has been in Plymouth, I believe, ever since my return to this country; I merely mention that, because the statement I have made to the Committee has been in my pamphlet and before the world all that time, and has not been contradicted by Major Childs, or on his behalf.

130. Were applications made on behalf of other convicts of the better educated class for appointments as clerks, or their services to be employed as clerks?—Applications were made for such persons.

131. Did you make an application of the same kind?—It was not for me to make an application; I was applied for.

132. Persons applied for you who would have taken you as a clerk?—Yes; Lieutenant Lloyd was on board the ship I went out in, and had seen me throughout the voyage; I had been of use on board; in fact I had prevented a mutiny on board, and the surgeon superintendent reported very favourably of me.

133. You had been useful on board?—Yes; I merely mention that to show that I arrived on the island with very favourable testimony, but, notwithstanding that, I was treated in the peculiar way I was.

134. You were applied for by that gentleman as a clerk?—I was immediately afterwards applied for by two other gentlemen as clerk.

135. Were those applications allowed or not?—They were in every instance refused.

136. That was the refusal of the commandant?—Yes.

137. Mr. *Yorke.*] What authority have you for saying that?—The authority I have for stating that is this, the gentlemen who applied for me reported it to me: "I have applied for you, Barber, and the commandant will not allow it."

138. You gave the name of one gentleman, Lieutenant Lloyd, can you give the name of any other gentleman?—There is another gentleman, I believe, now in England, Mr. Commissary-general Smith, whom I propose to call before the Committee.

139. Did he apply for you as a clerk?—Yes, and he applied that I should be a hut-keeper; that also was refused; and then Mr. Commissary-general Smith applied for me to perform the duties of a bag-mender at his own place, which was refused. In the Commissariat department they have a great many sacks or bags which are always requiring repairs, and a great many men are employed in mending them, and he applied that I should be appointed a bag-mender, which was refused.

140. You mentioned another gentleman; who was he?—Mr. Rogers; some little time afterwards he applied for me to be his servant, and that also was refused.

141. Who was Mr. Rogers?—He was the chaplain, and a magistrate of the island.

142. Is he now in England?—He is in London; that was refused, and another man who came out in the same ship with me, and who had been doubly convicted, was allowed to be the servant of Mr. Rogers; now, the duty of a servant to a gentleman, is to clean his horse, to black his boots, clean his knives, cook his provisions, and wash for him, for there were very few female servants in the island at that time; and all the duties which are required of a servant would have been an immense relief to me, when contrasted with the duty which was assigned to me.

143. Mr. *Collier.*] What was the duty you had to do?—I was ordered to be a wardsman. There are three stations on Norfolk Island, one called the "Settlement," another called the "Cascades," and another, called "Longridge;" they are equi-distant, about three miles; in the Settlement is a barrack, which will receive about 200 inmates. The prisoners are locked in that dormitory from about dusk at night until daylight in the morning; there is no outlet whatever, and therefore for their occasions, tubs are placed in the avenue between the tiers of sleeping berths, for their use; the duty of a wardsman is to keep these

Mr. *W. H. Barker.*

29 June 1858.

men in order at night; to prevent battles taking place between them if he can, and to prevent other misconduct if he can; and if it take place, he is held responsible for it; it is considered he ought to have prevented it, so that he is placed in peculiar jeopardy; if he allow it to take place, he may be punished by being flogged; if he interfere he may very likely be killed (which often took place), or have an eye knocked out, or suffer some other personal violence from the savages (for they are no less) who are located there; many are murderers, many are there for unnatural crimes, and a great many for burglaries, and other offences of the deepest dye.

144. Were these the worst of the Norfolk Islanders?—Some of the very worst; some who had been transported for murder and manslaughter, and heavy crimes, from England, and some colonially convicted men; men who had committed new crimes after their sentences, and after their arrival in the colony.

145. They had been re-transported from Van Dieman's Land?—Just so.

146. Then you had to keep watch and ward all night?—Yes.

147. By yourself?—Yes, I was entirely by myself.

148. You were to prevent those crimes you have mentioned and hinted at from taking place at night?—Yes. In the morning my duty was to take those tubs which were on the first floor, as it might be called, down stairs through the barrack-yard, before all the men, and before several of the prisoners who had come out in the ship with me, who were comfortably dressed, perfectly clean, having nothing whatever to do, but just to marshal the men and write in the office. I had to take those tubs down before the officers and prison clerks, who stood at the door, and I, almost naked, passed to and fro, and take them down to the sea, empty them there, thoroughly clean them out, take them back, and then I had to scour the ward on my hands and knees, arrange all the hammocks of the men, and if all that had not been done to their satisfaction, I was liable, and very frequently did receive violent abuse and threats for not having adjusted a man's hammock just according to his taste, or I had not dealt with the tubs as he fancied they ought to be dealt with.

149. Mr. *Yorke.*] I suppose that you qualify the expression with regard to murderers, because, generally, murder is punished capitally?—There were a great number of murderers on the island. It seems rather an anomaly, but some of the most dreadful murders I ever heard of had been committed by men in Norfolk Island.

150. They were committed in this country?—Yes; they were convicted either of manslaughter or of murder, and the sentence was commuted.

151. You are speaking of commuted sentences?—Yes; sometimes commuted sentences, and sometimes where a man has only got off upon a point of law. I may perhaps mention one case, that of Augustus Dalmas, who cut the throat of a lady he was courting; he was convicted and condemned to death, and after his sentence it was pretended by his friends that he was insane when the crime was committed.

152. Mr. *Arthur Mills.*] Do you know that at that time there were any men among that number who had been guilty of murder in the island itself, or any part of the Australian Colonies?—Yes, I believe so.

153. Did not death invariably follow upon a crime of that nature in the Australian Colonies?—I do not know of any case in Norfolk island in which a man was convicted of a murder in which he was not executed, but there were men who had committed murder in the Australian Colonies who were not executed.

154. When you were appointed over those men, were you the sole attendant?—Yes.

155. And did you remain so?—Yes.

156. You were left in charge of how many men?—Of 220 men.

157. *Chairman.*] You had to wait upon them, as well as to prevent crimes?—Yes.

158. Mr. *Arthur Mills.*] Do you mean you had to make the hammocks and clean the rooms for 220 men?—Yes.

159. Without any assistance?—Without any assistance whatever. I have mentioned the case of Augustus Dalmas. I believe there had been an inquiry, and there was a medical report that he was not insane; but there was a further report made by some officials, which resulted in the sentence of death being commuted to transportation for life; and Augustus Dalmas, after he came on

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the island, was indulged and petted, and placed in a position of exceeding luxury in comparison with mine.

160. Mr. *Collier.*] With respect to the duties you had to perform, you said you had to keep watch all night; were you not able to sleep then?—After I had done my work in the course of the day; perhaps my work began at five in the morning, and perhaps I could get through all the cleansing and preparing for the men against the evening, by two or three o'clock in the day; then between that and five and six o'clock in the evening I got some sleep.

161. Was that all the sleep you could get?—That was all I could get.

162. How long did this go on?—I was wardsman for twelve months, and rather more; not always in the same ward, but sometimes at Longridge, and sometimes at the other station, the Cascades.

163. In your petition, you say at the end of one year and four months you were sent to work in the fields?—I was engaged in the wards for twelvemonths, and in field labour the other four months, except when I was carried to the hospital, which I frequently was, in consequence of the foul nature of the work, which affected my health so much.

164. You say, "That on your petitioner's arrival at Norfolk Island, applications were made in the usual form by persons of respectability for his services as a clerk, but such applications were uniformly refused, and other prisoners, and some on their second transportation, were selected for these light duties, whilst your petitioner was appointed to the filthy office of cleansing the prisoners' wards, and was kept at this labour, being the most disgusting that could be found, for sixteen months, with only casual intervals of sickness, caused by the nature of the work"?—I think the entire period I was in the wards and in the fields was 20 months. I believe that is the correct statement. I was 16 months in the wards.

165. Sixteen months in the wards, with the exception of intervals of sickness?—Yes.

166. Did that affect your health?—Very much indeed.

167. Can you tell us about how much of your time was occupied in the hospital?—I dare say I may have been in the hospital altogether six or seven weeks at different times.

168. You say, at the end of a year and four months you were sent to work in the fields; just describe the kind of work you had to do there?—The work I had to do in the fields was to break up the ground with a very heavy hoe; each man in a gang had the same task. The gang I was placed in was the heavy gang, in which the strongest men were placed, and each man had to do a specified quantity. I had to do the same as very strong and powerful men. I was frequently in a broiling sun, and at other times during a tropical rain. I was exposed to those alternations in the course of one day; I would sometimes be as wet as if I had come through a river, and in an hour after that I would be dried up to a cinder.

169. Were you chained when you were working, or not?—No; the men were not chained on the island unless they committed some offence upon it, which of course I never did.

170. Had you an overseer?—Yes.

171. Who was your overseer?—A man named Lane.

172. Who was he?—He had been twice convicted; his business was to do nothing but to see that we worked; he did nothing else all the time he was on the island; he was well known to be a most cruel man; and inasmuch as it was known that the commandant had what was called a *down* upon me, all the subordinate officers under whom I came treated me accordingly; they had their cue; and these men, when I was at field work in a gang had an eye upon me. If I stood up for a moment to relieve myself, he immediately called out "no straight backs;" if we did not go on with the work to the overseer's satisfaction we were liable to be flogged.

173. *Chairman.*] What was the hoeing for?—To prepare the ground for tillage.

174. Mr. *Collier.*] How long did that go on?—I was at field labour, I think, about four months.

175. Fletcher was transported with you, was he not?—Yes, he was.

176. Was he kept to the same amount of labour?—On the contrary, he was employed as medical dispenser; when I was ill he had to make up and serve

Mr. W. H. Barber.

29 June 1858.

me with the medicine, although it was well known there was the greatest hostility between us, and we never spoke. He was medical dispenser on the Cascade station, and had a hut to himself, with superior bedding and rations; and what was the most important thing, he had a separate sleeping apartment at the time when I had every morning to empty 40 tubs, and to clean out every one of those tubs.

177. He had an apartment of his own?—He had a separate apartment, as medical dispenser.

178. You have spoken of cleansing the wards out, and so on; have you anything more to say with respect to Major Childs; you say in your petition, "that upon one occasion, when, upon leaving the hospital, being barely convalescent, he had been ordered by Dr. Graham to stone-breaking, as a task less severe and unwholesome than his ordinary employment, Major Childs," and so on, "insisted that he should immediately return to that duty?"—Yes; that I might have some lighter occupation than the cleansing of the ward, Dr. Graham ordered me to stone-breaking.

179. Was that on account of your health?—Yes; I was sitting by the roadside breaking stones, and Major Child came up to me, and said, "What do you do here?" I said, "Sir, I am ordered to break stones by the medical superintendent." He said, "I will not have that;" and he went up to the station, and gave his orders that I should immediately go back to the ward. He came in, and said, "What is your objection to cleaning the ward?" I said, "I have made no objection; it is destroying my health, but I have made no objection. I do it; I get ill; I go to the hospital, and come back again; I have made no objection." He said, "How does it injure your health?" I observed that it was the most loathsome and disgusting thing that could possibly be, and even harder work would be cheerfully performed in place of a task so nauseous and humiliating. He laughed, and asked, "How does it injure your health?" I said, "Independent of the exhalations, from the commencement I have got wet feet every morning, from going out in the heavy dew." He said, "Then put your shoes on." I said, "That is of no use; they soon get filled with water." "Then take them off." With that he made a loud laugh, and strode away. On another occasion, I was at Cascades under Lieutenant Butler, who is now in London; he was the superintendent of the station, and, on going there, he applied for me to fulfil the office and perform the duties of chapel clerk and schoolmaster, there being one or two such persons at all the stations, who had nothing else to do but that. Lieutenant Butler informed me he had applied, that Major Childs had refused, and that he assigned as a reason that "Barber was a public character, who had been talked of in the newspapers." Lieutenant Butler pointed out to him (as he told me, and as I daresay he will tell the Committee) that my conduct had been unexceptionable, that I should be very useful, that there were many persons in the island employed in that way. But it was all of no avail; the Major ordered me back to Longridge station. On my mentioning that circumstance to the magistrate of the station at Cascades, and the chaplain of the station (Mr. Rogers), he said, "They will kill you, Barber, if you go back to Longridge?" I said, "I hope not." He replied, "Your life ought not to be wantonly exposed in that way." I should, perhaps, explain that there had been a murder of unusual atrocity committed in the island; there was great difficulty in obtaining a light sufficient to show who had been the perpetrators of that offence; some facts had come under my own observation, while I was a wardsman, which appeared to me to be material to a certain extent, but not at all conclusive; I heard from time to time the progress that was made in the inquiry, and finding the prosecution of it was likely to be given up from want of evidence, I then communicated to Mr. Naylor, the senior magistrate of the island (who was engaged with the Attorney-general of Van Dieman's Land in investigating the matter), the facts which I have referred to, requesting, unless it were absolutely necessary for the ends of justice, that I should not be called upon to give evidence; but some time afterwards, Mr. Naylor came to me, and said, "Well, Barber, the facts you communicated to me some time ago I find will be important. I am not going to ask you whether you will attend as a witness; it is my duty to instruct you to do so; you will be sent for when the trial comes on, and you must come up to Government-house," which was the residence of Major Childs at that time. Accordingly I was directed to meet the Attorney-general of Van Diemen's

Dieman's Land; the trial took place; I was called as a witness, and the parties were convicted and executed. Now the offence which had been committed, though most men in the island regarded murder with a certain amount of terror, was supposed to be extenuated, as the murder had been committed on a man who had interfered with the prisoners in sheep-stealing, a thing which the prisoners, or a great many, sympathised with, because they said they were deprived of their allotted rations, which was the fact—the rations which were stated to be due to them they did not get, and therefore those men thought it was only fair retaliation if they could get a sheep, and cut it up and divide it amongst them. The policeman on duty had interfered with those men, and they murdered him under circumstances of great brutality. In consequence of the conviction of those men, who were executed, their immediate friends were very vindictive, and threatened the lives of the witnesses. I, therefore, under the advice of Mr. Rogers, drew up a representation to Major Childs of the fact that I was a marked man among the friends of those two persons who had been hanged, and as a great many of their intimate associates were at Longridge, I considered my life would be in danger if I were sent there. But notwithstanding that representation I was sent there. To show that the idea of danger was not a mere chimera, I may state that one of the witnesses was murdered, and two of them were most violently assaulted and illtreated. One of the witnesses was taken especial care of by Major Childs, lest he should be hurt; he was employed in the garden of his private residence; he slept on the premises, and was taken the greatest possible care of.

180. The result of Lieutenant Butler's application for you was a refusal?—The result of Lieutenant Butler's application for me as chaplain's clerk and schoolmaster was, that I was sent to Longridge station, and placed in the heavy gang, to work under the cruel overseer, Lane.

181. Lord *Goderich.*] From the beginning, was Fletcher exempted from the severe treatment to which you were subjected?—He was; he was employed nearly the whole of the time as medical dispenser. For a very short time, I think, he went out as overseer of what is called the light gang; he never was in the heavy gang at all. For nine-tenths of the time he was there he was a medical dispenser.

182. Mr. *Yorke.*] I think you said Fletcher had been a surgeon?—Yes; but it was quite a common thing for persons who had not been surgeons to be medical dispensers. The science of medicine as practised in Norfolk Island is wonderfully simple.

183. But having been a surgeon, and being at hand, would account for his appointment?—Yes, it might, but persons who had not been surgeons were appointed medical dispensers.

184. Mr. *Arthur Mills.*] Fletcher was a man somewhat more advanced in life than you, was he not?—He was a very strong, hearty man.

185. What was his age?—At that time he was between fifty and sixty.

186. Do you know him to have been a surgeon, properly qualified to act as such?—No, I do not know anything about it. I did not know him when he was in practice. I have always heard he was so.

187. Mr. *Collier.*] You said Major Childs on one occasion saw you breaking stones on the road, and sent you back to the ward; on other occasions, have you been sent back to the ward by Major Childs, when convalescent, after an illness?—I do not recollect the particular occasions.

188. What was the result of your being sent back to the ward in that instance?—I became ill again in two or three days.

189. Had you to go back to the hospital?—Yes.

190. Did Dr. Graham make any representation on your behalf?—Finding I had been sent back to the ward, on his arrival at the station next day, he entered in the visitors' book a most indignant protest against it, stating that he would not answer for my life (or some words to that effect) if that treatment was persisted in.

191. What was done upon that?—I continued in the ward until I went back to the hospital.

192. *Chairman.*] Is Dr. Graham alive?—Yes.

193. Is he in England?—He is not in England.

194. Lord *Goderich.*] Is the office of wardsman looked upon as a punishment;

Mr. *W. H. Barber.*

29 June 1858.

is a person appointed a wardsman as a punishment?—No, he is not appointed as a punishment.

195. Nor as an indulgence?—No, certainly not.

196. *Chairman.*] Is it not an office of great responsibility?—Not the least; except in this way, he is responsible for the good conduct of those men.

197. Mr. *Collier.*] You say you suffered in health from those unwholesome duties in the ward, when you were taken to the hospital, and then sent back to the ward; how long did that go on; was there any end to it before you left?—I think I state in my petition that I was wardsman, and in hospital, 16 months, and I was at field-labour about four months; at the end of that time I was put into an office in the agricultural department.

198. Was that on the remonstrance of the chaplain, do you recollect; you say, "Still no alleviation in the duties of your petitioner could be obtained, until the chaplain, seeing the hardship and privation to which your petitioner was subjected, kindly interposed, and supported the doctor's remonstrance;" was that so?—It was not on that occasion. It occurred in this way: I was in hospital; Major Childs was passing, and the chaplain said to him, "There is Barber in hospital again." "Oh," said the Major, "he is always in hospital." "He will not be in much longer replied Mr. Rogers; you will find he will be in the grave; and I will tell you who I shall hold responsible for it."

199. Who said that?—Mr. Rogers; I was not present; the governor seemed rather alarmed at that, and that interview resulted in my being removed to Cascades, which was considered a more healthy part of the island.

200. What had you to do at Cascades?—After a week I got considerably better, and then I was employed to clean the wards there.

201. Did you become ill again?—As the place is more healthy, I was better at Cascades, and I continued there until Lieutenant Butler applied for me to become chaplain's clerk and schoolmaster, in the way I have mentioned.

202. Did you become so?—I did not; the application was refused, and I was sent back to Longridge; I was subsequently taken out of the fields to go into the office of the superintendent of agriculture, on this account: the duties were considered very important and difficult; there were statistical papers and financial statements to be prepared for the Government, and things of that kind; the person who had done that had been removed from the island; they were in considerable difficulty to know who they could get to do it, and at last Major Childs considered that I should do it.

203. You got into that office finally?—Yes; that was after 18 months or more; I think 20 months.

204. Did you employ part of your time in endeavouring to get proofs of your innocence?—I did.

205. Did that come to the knowledge of Major Childs?—It did.

206. What did he do upon that?—He immediately ordered the constable of the island to come and seize all my papers.

207. Was that done?—It was.

208. What became of those papers?—They were kept from me, and not returned during all the time I was on the island; it was only when I got my conditional pardon, and I arrived at Hobart Town, I went and applied for them to the Colonial Secretary.

209. You did not get them again until you received your conditional pardon?—I did not.

210. You say you were "forbidden the use of writing materials;" was that so?—Yes; after my labour in the fields I went to the school, and spent about three hours in teaching the men; whilst I was there, when I took up my pen and was about to explain some diagram, the master of the school came up and said, "You must not have a pen, Barber;" that was the first intimation I had that I was not to be allowed the use of writing materials. I said, "What is the meaning of this? I am merely sketching out a diagram for the instruction of the men in my class?" "Well," he said, "You are not to be allowed writing materials;" and I ascertained a strict order had been given, that if writing materials were found in my possession, they were to be taken away.

211. Had you been allowed the use of writing materials until Major Childs found out that you were collecting proofs of your innocence?—Yes.

212. Mr. *Arthur Mills.*] Was Major Childs immediately responsible to the Governor of Van Dieman's Land?—Yes.

213. Who was the Governor of Van Dieman's Land at that time; was it Colonel Arthur?—No, I think it was Sir Eardley Wilmot.

214. To what parties were the representations you are speaking of made or communicated?—They were made to the Home Government.

215. Mr. *Collier.*] You say you wrote letters to Sir Robert Peel and other Members of Parliament?—I did.

216. There were also letters written by the Rev. Mr. Naylor, the chaplain of the island, on your behalf?—Yes.

217. Have you reason to know whether those letters reached?—I know some of them did not; the letter I addressed to Sir Robert Peel, and the letter Mr. Naylor addressed to Sir Robert Peel, were detained at Hobart Town.

218. By whom were they detained?—They were sent to the commandant; they got to Hobart Town, and when there, they were detained.

219. Did they ever reach the destination?—They did not.

220. *Chairman.*] Who were they detained by?—I presume by the Comptroller-general.

221. Mr. *Milner Gibson.*] The letter of the Rev. Mr. Naylor was suppressed, as well as your own?—Yes.

222. Mr. *Collier.*] Now up to the termination of your imprisonment in Norfolk Island, how long were you there altogether?—Two years and four months.

223. How came it to end?—There was an order to remove the whole of what they called the new prisoners sent from England; they were to be sent to Van Dieman's Land, and I was sent in the "Pestonjee Bomanjee," of which Dr. Browning had charge as medical superintendent. I was landed at a small bay in Van Dieman's Land, called Impression Bay, and after I had been there about two days, the superintendent of the station intimated to me that a conditional pardon had been received for me.

224. It was then you heard, for the first time, that a conditional pardon had been received?—Yes.

225. Then, to quit Norfolk Island, had any charge ever been brought against you of insubordination or of improper conduct?—Never.

226. Or at any time during your confinement or transportation?—Never; I received, on leaving Norfolk Island, a certificate from the civil commandant that I had committed no offence.

227. From the civil commandant?—Yes, who had succeeded Major Childs, and who had access to the records.

228. *Chairman.*] How long had Major Childs left the island before you did?—About seven months.

229. Mr. *Brady.*] How came Major Childs to leave the island?—He was dismissed.

230. Mr. *Collier.*] Who succeeded him?—Mr. John Price.

231. Had you any complaint to make of the conduct of Mr. Price to you?—None whatever.

232. Had you any complaint to make of the conduct of any one else in Norfolk Island except Major Childs?—No, except of those who acted under his directions; his subordinates tormented me in every way, but I believe it was because they thought it would be agreeable to Major Childs.

233. Mr. *Arthur Mills.*] You stated that two letters addressed to Sir Robert Peel, one by yourself and one by the Rev. Mr. Naylor, had been detained at Hobart Town, and suppressed?—Yes.

234. Do you know of any letters written by or for you, to public men in England, that did reach their destination?—I do not.

235. Did you address any other letters to public men?—Yes, a considerable number.

236. To whom?—To Lord Brougham, whom I had had the honour of knowing and acting in concert with in matters of education; I addressed two or three letters to his Lordship, and to Members of Parliament and other persons of distinction and influence, entreating them to inquire into my case.

237. Do you believe those letters ever reached the hands of the persons to whom they were addressed?—I never could prove either.

238. Did you ever trace any letter as having reached that you sent from

Mr. *W. H. Barber.* Norfolk Island?—I never could ascertain that any letter I had written had reached its destination.

29 June 1858.

239. Mr. *Massey.*] Did you ever receive an answer to any one?—I never did.

240. Mr. *Cobbett.*] Did you ever write letters to people on any other subject, and receive answers?—I did.

241. Mr. *Yorke.*] Is there any one Member of the present House of Commons to whom you wrote a letter?—I do not recollect at this moment any one Member of the House of Commons to whom I addressed a letter.

242. Mr. *Hardy.*] You do not include the memorial you sent to Sir James Graham?—I did not send that memorial to Sir James Graham; it was sent by the authorities of the island.

243. Mr. *Arthur Mills.*] Was that addressed to the Secretary of State through the Governor of Van Diemen's Land?—Yes.

244. Have you any reason to suppose that your own letters were not duly forwarded, because they were not sent through the authorities?—All the letters which I complain were stopped were forwarded through the regular channels.

245. Mr. *Collier.*] You say in Van Dieman's Land you got your conditional pardon; then you returned, I suppose?—On receiving information that a conditional pardon had arrived at Hobart Town, I was told, "You are now at liberty." The superintendant of the station said, "You must give in your prison clothing." I said, "What clothes am I to travel in? Are no instructions given by the Government as to my getting away. I have not a single article of clothing." He said, "There are no orders about that; you will have to give in your prison clothing; there are no orders about any other clothing." "How am I to travel; I cannot leave without some clothes." I was obliged to beg amongst the prisoners, and one or two free persons who were on the island, for little articles of clothing, and the superintendant gave me one or two articles of old clothing. I got covered in the best way I could; it was rather a motley attire; I then got to Hobart Town, and I first went and applied for the conditional pardon, which was delivered to me. On my arrival there I also applied for the papers that had been taken from me at Norfolk Island, and then certain papers were returned to me; but many papers of considerable importance were not amongst them. I inquired with reference to some letters that had not been sent, and after some delay, and a good deal of demur, it was admitted there were letters in the office, and they were ultimately handed over to me. I put the question in this way, whether a letter which had been received at the office at Norfolk Island had been forwarded to Hobart Town, and if so, whether it had been transmitted to England? If not, whether it would be delivered up to me? And after a delay of some days it was delivered up to me, and I have it now.

246. Mr. *Brady.*] Was the seal broken?—Yes, the seal was broken.

247. Mr. *Collier.*] Then did you return?—Then, of course, I was entirely destitute at Hobart Town; I did not know a person in the place, except one or two who had known me in Norfolk Island; one happened to be the chaplain to the magistrates (Mr. Rogers), who had been in the island; he showed me great kindness, and I introduced myself to the Lieutenant-governor (Sir W. Denison) who had succeeded Sir Eardley Wilmot; he headed a subscription at Hobart Town, and by that means I got to Sydney. I there introduced myself to the Chief Justice, and other principal persons of the place; stated my case; an inquiry was instituted by the judges and lawyers of Sydney; they had before them all the evidence upon which I was tried, every word of it; and the confessions which had been made since, and the report of the examinations of Fletcher, which had taken place in Norfolk Island and elsewhere, and that resulted in a report quite favourable to me, and stating it was beyond a doubt, that if I had had a separate trial, I must have been acquitted.

248. Who was that report published by?—It was published by the Secretary of the Law Society of Sydney. After that report was published, there was a subscription entered into at Sydney, which enabled me to proceed on my way homeward; I could not get a ship straight to France; I had only a conditional pardon, and therefore I could not take a ship which was coming to England, and I could not find any ship that would undertake to land me at Boulogne; they would lose the insurance; so that I was obliged to take a very circuitous route to go to France; I got a passage in a ship to Hong Kong, and from thence I got a passage in a ship to Madras.

249. Did

249. Did you go to Hong Kong?—I did, and from thence to Madras. At Madras I availed myself of letters of introduction I had from the first people in Sydney to the judges and the military secretary to the Governor there, Colonel Browne: Colonel Browne kindly received me in his house, and I stayed with him during the time I have mentioned, about a month. During that time a subscription was made for me, and I was able to pursue my voyage homeward. I came overland, and at length got to Paris. On arriving at Paris, I introduced myself to Lord Normanby, and after a lapse of a few weeks his Lordship sent for me; said he had read my papers, and added, that he had had a good deal of experience of the criminal law as Secretary of State in England, and as Secretary for Ireland, but he had never met with a case which he thought so remarkable or so hard as mine; and he said he would certainly communicate with the Home Government with regard to it. His Lordship kept his word; as soon as the Session was over, he managed to secure the attention of the Government to my case, and in November 1848, whilst I was at Paris, I received a free pardon.

250. And upon that you came home?—I came straight home.

251. Lord *Goderich*.] What reason have you to know that Lord Normanby made those communications to the Home Government?—He told me so. I had the honour to see his Lordship several times at his residence, the British Embassy in Paris, and he told me from time to time what was taking place. He did not show me the correspondence between himself and Sir George Grey, but he told me it was taking place.

252. At the same time, did you yourself make an application to the Home Secretary for a free pardon?—I did.

253. Mr. *Collier*.] Then you came back to England?—I did.

254. Now will you explain to the Committee the grounds on which your pardon was granted?—It was granted on the facts which had transpired since the trial; those facts were the confessions which had been made, chiefly by Fletcher; but there were also important confessions made by Sanders who was his principal confederate.

255. First, with respect to the confessions of Fletcher, are you able to state to the Committee what they were?—Yes, they are contained in book I. pp. 84–85.

256. You said, while you were in Norfolk Island you were not on good terms with Fletcher?—No; on the contrary, from the moment that Fletcher had concluded his examination at the Mansion House, when I was first apprehended, and I saw his guilt, up to the present time, I have never spoken to him, except in the presence of officers when under examination.

257. Then did you directly or indirectly, either by yourself or anybody else, endeavour to induce Fletcher to make any confession or statement in your favour?—Certainly not; I always held myself entirely aloof from him.

258. The confessions of Fletcher you refer to, are those in pages 84 and 85, of book I.?—Yes; there are also some examinations which took place, which are set forth in my pamphlet, and are rather more important, perhaps, than those confessions, because they were the result of interrogations. Fletcher says in his confession, "If the application made by Barber to be tried separately (so that he might have elicited the whole truth by calling myself and the other parties accused) had not been resisted by the prosecution, he must have been not only acquitted, but exonerated from the slightest culpability. As I understand it has been stated that I have refused to admit Mr. Barber's innocence, I feel called upon to contradict this, and to state that I have only objected to sign or declare that which might have a tendency to prejudice myself."

259. You also refer to some other statements of Fletcher's, made at other times; what are those?—Mr. Commissary-general Smith, who is now in England, and the Rev. Mr. Naylor, who is now deceased, took considerable pains to investigate the matter; they privately interrogated me; they privately interrogated Fletcher, and then they confronted us; and at page 88 is a copy of their Report: "Reports and Notes of Examinations of Fletcher and myself, and of legal investigations instituted." There is this passage in p. 99: "If Fletcher had been examined as a witness, the result of the trial would have been favourable to Barber; for, notwithstanding the corruptness of Fletcher's character, he must have been compelled not only to admit, as he has to us, a mass of facts incompatible with Barber's guilt, as shown in the memorial,

Mr. *W. H. Barber.*

29 June 1858

but at the same time detected in a course of prevarication sufficient to remove all idea of collusion, and thus to stamp his reluctant testimony with authenticity."

260. That report is signed by the Reverend Mr. Naylor, the chaplain, and Mr. Commissary-general Smith?—Yes.

261. Lord *Goderich.*] It is headed Reports, and so on, of Legal Investigations; do you know the nature of those investigations; were the examinations made by those gentlemen of their own motion, from the interest they took in your case?—It was not, strictly speaking, a judicial proceeding; it was known to Major Childs that it was done, but it was a voluntary act of their own. The report was forwarded by Major Childs to the Government at home. Then Mr. Fielding Browne, who was judge of the Criminal Court in Norfolk Island, says he has attentively perused and considered the evidence upon which Mr. Barber was convicted; also his memorial to Sir James Graham, together with the report of the Reverend Mr. Naylor, and Mr. Commissary-general Smith, and the several confessions of Fletcher, Sanders and his wife, and Mrs. Dorey.

262. Did Mr. Fielding Browne examine them himself, or does he refer to the report of Mr. Naylor and Mr. Smith?—It appears to have been the result of inquiries he made in Norfolk Island; whether he had personally interrogated Fletcher there I have no means of knowing. This is the passage to which I desire to call the attention of the Committee: "Could the jury have had the advantage of such an investigation as that to which I have alluded, I cannot doubt for a moment that they would have been of opinion that Mr. Barber must have been as unconscious of the fraudulent character of the business in which he was professionally engaged, as the proctor, or the stock-broker, or any of the other gentlemen through whose hands the matter successively passed."

263. Mr. Fielding Browne here speaks of himself as a private individual?—Yes; then, at page 97, Dr. Browning, who reported upon that examination very particularly, says, "With reference to the hearing at the Mansion House, Fletcher complained that Barber placed him in the box without preparation, and without his acquiescence, as well as without instructions." To this, Barber said, "The only instruction I gave you was in these words: 'You have nothing to do but to tell the simple truth; this, surely, cannot prejudice you, whilst it is the only thing that can exonerate me. Do this literally and faithfully, and, for God's sake, don't build up one particle of fiction.'" Fletcher admitted that those were the only instructions Barber had given him.

264. Mr. *Arthur Mills.*] What official position did Dr. Browning hold?—He was medical superintendent of the ship "Pestongee Bomangee," in which Fletcher and myself were conveyed from Norfolk Island to Hobart Town. Then, in the declaration by the jury which convicted me, they say, "If the evidence contained in the confessions of the said Joshua Fletcher, William Sanders, Georgiana Dorey and Lydia Sanders, and the other facts which have transpired since the conviction of the said William Henry Barber, had been presented to us at the trial, and if the explanation of apparently suspicious circumstances could have been given before our verdict was returned, which has since been afforded, we have no doubt whatever that we should have acquitted Mr. Barber; the failure of justice, so far as concerns him, arose in our judgment mainly from the fact of his not having had a separate trial, and having been thereby precluded from availing himself of the testimony of the other prisoners."

265. Mr. *Collier.*] I see that declaration is signed by eight of the jury; how do you account for the others?—At page 129, it is stated: "One of the jury (Mr. Rawlings) is since deceased; another juror admitted that a declaration of Mr. Barber's innocence, by Fletcher and Sanders, at the trial, would have had material weight with him, but declined to sign any document; another gentleman could not be prevailed upon to re-enter upon the inquiry; the twelfth member of the jury has long been absent from London."

266. Could you not find that gentleman?—He was absent at that time, and I could not trace him out.

267. Then there is only one gentleman who could not be prevailed upon to sign?—Only one; he curtly said, "I have done with the matter; I will not trouble myself further about it."

268. Sir *John Trollope.*] Did you draw up the paper which those eight jurymen signed, yourself?—I did not.

269. Was it their own spontaneous act?—Yes.

270. Do you know which of them drew it up; can you point out the name of the person who drew up the paper?—I think it was the gentleman whose name stands first.

271. Who caused the paper to be drawn up; was it not yourself?—No.

272. Was it quite a spontaneous act on the part of the jury?—A gentleman who lived at Greenwich was in conversation with Mr. Thompson, one of the jury, and Mr. Thompson said, "I undoubtedly think if these confessions had been made, or the evidence had been given at the trial which has been obtained since, we should have acquitted Mr. Barber;" and the conversation with that gentleman led to his seeing the other members of the jury, and to the preparation of that declaration.

273. Can you state that gentleman's name?—Mr. Newton Crosland.

274. Who is Mr. Newton Crosland?—He is the husband of Mrs. Newton Crosland, the well-known authoress.

275. I suppose he is a friend of yours?—I did not know him until my case had attracted his attention.

276. Did that declaration of the jury originate in his communication with Mr. Thompson?—Yes.

277. And then Mr. Thompson had communications with the rest of the jury?—Yes.

278. Lord *Goderich.*] Were you acquainted with Mr. Newton Crosland at the time he first spoke to Mr. Thompson on the subject?—Yes, I was, but I had not become acquainted with him until after my return to this country. He introduced himself to me, as taking an interest in my case; he afterwards told me he had had some conversation with Mr. Thompson about it. I did not suggest that Mr. Thompson should go to the other jurors; it occurred entirely in that way.

279. Mr. *Arthur Mills.*] As I understand you, before you had any acquaintance with Mr. Newton Crosland, he had been in communication with Mr. Thompson?—The actual fact is this: after my return to this country, Mr. Newton Crosland introduced himself to me, and some time afterwards he mentioned to me what had taken place between Mr. Thompson and himself; he then said he should see Mr. Thompson again on the subject; he did so, and that led to Mr. Thompson taking a more active part, and going to the other members of the jury, and to the preparing of that declaration.

280. Mr. *Collier.*] Did you know Mr. Newton Crosland at the time of his communication with Mr. Thompson?—Yes, I did.

281. Was his first communication with Mr. Thompson spontaneous on his part, or did it proceed at your suggestion?—I believe it was spontaneous from Mr. Thompson to Mr. Crosland; it did not proceed from me at all.

282. You did not know of the first communication until afterwards, and then you knew of it from Mr. Crosland?—Yes.

283. Mr. *Cobbett.*] Was the subject of your conviction and punishment kept alive during your absence by friends of yours in this country?—Certainly.

284. Did the late Serjeant Wilkins publish something about it?—He did.

285. Mr. *Collier*] I believe many persons, almost ever since your conviction, have taken an interest in your case, and have been occupying themselves about it?—Yes, a great many persons of distinction have; Mr. Serjeant Wilkins told me Lord Brougham had taken a great interest in it, and had expressed his regret that I was not acquitted.

286. And many members of the Bar also?—Yes.

287. Among others the present Attorney-general?—Yes, Sir Fitzroy Kelly has taken a deep interest in it.

288. You have had the sympathy, not only of solicitors, members of your own branch of the profession, but of others?—Yes; judges, barristers, Peers, Members of Parliament, the Archbishop of Canterbury and several of the Bishops; the first people in the country.

289. Mr. *Brady.*] There was a subscription for you?—Yes.

290. Did that serve to defray your expenses in prosecuting your inquiries since you came home?—It went some way towards it.

291. Mr. *Collier.*] We have been speaking of the confessions of Fletcher, and the probable effect those confessions would have had if they had been given in the shape of evidence before the jury. I will now just go shortly through the grounds

Mr. W. H. Barber.

29 June 1858.

grounds upon which you understand your pardon to have been granted. There were statements of other persons interested, were there not?—There is a statement of William Sanders in Book I., page 86.

292. There is one at page 86, which you call a reiterated declaration?—Yes, that was a confession Sanders made the day after I had sailed on board the "Agincourt," for Norfolk Island; Sanders was then on board the "Lord Auckland," lying in the Thames, and he made this voluntary statement on the 9th July 1844, I having sailed on the 8th. The first time I saw this confession was on my arrival at the Cape of Good Hope; there a medical gentleman brought it to me: "I, William Sanders, now under sentence of transportation for seven years, and about to leave my country, am desirous of reiterating all my former statements of my firm belief and conviction of the complete innocence of William Henry Barber of any participation or guilty knowledge whatever of the late transactions in which I or my wife Lydia Sanders were concerned, or that he received one farthing more than his professional remuneration. William Henry Barber was an utter stranger to me until introduced to him by Fletcher, as Thomas Hunt, nor did I after see him or have any subsequent communication with him, until my first examination at the Mansion-house. I make this declaration from an unfeigned desire of doing all the justice that in my power lies to a person whom I have been instrumental in placing in a situation, of the horrors of which I am now so painfully acquainted."

293. Then there is this note: "Sanders, from the first moment of his apprehension, always declared my innocence; his statements were invariably consistent, even to the acknowledgment of his own guilt, for he pleaded guilty on his trial"?—Yes; on his first apprehension; what he said was this: "I am guilty, but there is one here who is as innocent as a child unborn;" that was at the Compter.

294. Had you, by yourself or any one you employed, induced Sanders to make that statement?—Certainly not.

295. At page 87 there is another statement of Sanders, at Hobart Town?—Yes; every prisoner on his arrival at Hobart Town makes a statement, which is entered in a book, and knowing that, I, on my arrival at Hobart Town, applied to know if Sanders had made any statement with reference to me, upon which I received this:—"I represented Thomas Hunt, to get 1,210*l.*, Three per Cent. Consols; tried with Barber and Fletcher; they went to Norfolk Island; I was concerned in two other similar cases; I knew that Fletcher had been concerned in these matters for several years before I consented to take a part in it; it was discovered in consequence of a correspondence with a Miss Slack; they were all unclaimed dividends, and we represented fictitious persons, who were supposed to be relatives to the parties leaving the money; Fletcher has been concerned in it for upwards of 15 years; prosecuted by the Government; Barber knew nothing about the matter; a Mrs. Dorey got two years' imprisonment; and my wife, who personated Mrs. Slack, received the same sentence (two years' imprisonment)." That is extracted from the indent of the "Lord Auckland." Signed James Thomson, Registrar, Convict Department.

296. That is a document, purporting to be an official extract from the convict register?—Yes; at page 90 there is a further statement of the Reverend T. B. Naylor, on leaving Norfolk Island, 3d September 1845:—"On leaving the island, of which I have now been for some years the chaplain, I owe to public justice the duty of recording my full conviction of the perfect innocence of William Henry Barber, now suffering on it as a prisoner under a sentence of transportation. I have, with unceasing interest, followed up a series of inquiries into circumstances connected with his case, inaccessible to the court by which he was tried, and many of which have subsequently occurred. In addition, I have heard the reluctant acknowledgments of Fletcher, the guilty originator of the frauds, establishing, beyond the possibility of doubt, the innocence of Barber. My efforts shall continue for his extrication; I deeply lament his truly wretched condition here, and would gladly have seen it ameliorated. I have never known a prisoner of the Crown who has been subjected to greater wretchedness; I rejoice to be able to add, I have never seen an instance of more dignified suffering, accompanied by invariably consistent conduct. It will afford me real pleasure to continue his acquaintance under happier circumstances." Then at page 143 he says, "I shall never remember without shame and horror the wantonness of the insults and

and the refinements of cruelty practised towards him at Norfolk Island, from the worst possible motives. I must add, that his manly endurance of these enormities excited my admiration and esteem for him. Never did any man appeal with more justice to the community for assistance."

297. Mr. *Brady.*] That is an extract from a letter?—Yes, an extract from a letter addressed by Mr. Naylor to a friend at Sydney, while my case was being inquired into there.

298. Mr. *Collier.*] What other grounds were there for the pardon, besides the statement you have referred to, of Fletcher and Sanders?—There were no other grounds than the confessions of those parties, except the memorial which was sent to the Secretary of State, which is in book No. 1.

299. Those were the main grounds upon which you obtained your pardon?—Those were substantially the grounds; I know of no other grounds.

300. You obtained your full pardon in November 1848, I think you say?—Yes.

301. Then you came home?—Yes.

302. Now just describe to the Committee what has taken place since?—Immediately on my arrival in this country I applied for my professional certificate, in order to resume the practice of my profession, and earn my own living; I was then opposed; it was contended "that pardon shows nothing; the pardon states it is an act of grace and mercy," and those words were urged upon the court.

303. You were opposed by whom?—By the Incorporated Law Society; it was said, "it is very true there is a free pardon, but that shows nothing; that shows it is an act of grace and mercy." There are those terms in the pardon, as there are in every pardon. If a man had been convicted of a murder, and the person who was supposed to have been murdered was afterwards found to be alive, the pardon would be in the same terms. At all events I have never discovered any pardon that was in any way other than the terms used in mine; that it is an act of grace and mercy; I was opposed on that ground by the Law Society; in fact, I was required to prove my innocence.

304. That opposition prevailed for a long time, I believe?—It prevailed for a considerable time. The judges made various observations then and afterwards, and they required explanations on a variety of points, which explanations I had not then the means of giving; but in the year 1853 I discovered a most important document, viz., a circumstantial narrative of the whole history and concoction of these frauds, and which explained the greater number, in fact all the material points on which the judges had relied in first refusing my certificate. On receiving that statement I immediately applied to Sir John Patteson.

305. Just describe what that document is?—It is a narrative written by William Sanders, whose wife was the fictitious Emma Slack in the "Slack" fraud.

306. Is that the case of Slack you have spoken of?—Yes; there are two of the same description.

307. Have you the original documents here?—Yes—(*Witness produces the same*).

308. Just explain to the Committee something more about those documents; you say you discovered them in 1853?—Yes.

309. In the first place, how did you discover them?—In this way: the judges having commented on certain parts of my case which seemed to have weight with their lordships, and to require explanation, inquiries were instituted, with the view of affording that explanation; and it occurred to some gentlemen, who formed themselves into a committee to assist me in that object, that perhaps the gentleman who had been the solicitor for William Sanders might be the means of affording us that information.

310. Who was that solicitor?—Mr. Harmar, of Bristol. In consequence of that, an application was made to Mr. Harmar, and it then appeared that he was dead, and that a Mr. Crosby had succeeded him; accordingly Mr. Crosby was applied to, to know if he had any of the papers connected with Sanders's case; he then instructed his clerk to look out the papers which had been put away; a mass of papers were examined, and among those papers these two documents were found.

311. I observe one of these documents is headed "Instructions for my solicitor"?—Yes.

312. What is the other document?—That is headed in the same way.

313. They are both headed "Instructions for my solicitor"?—Yes.

Mr. *W. H. Barber.*

29 June 1858.

314. Are they both in the handwriting of Sanders?—Yes, they are; except some alterations of words, which are in the handwriting of Mr. Harmar; that is, merely an adaptation of the language. Those documents, made more correct in point of language, were embodied in the brief for Sanders at the trial.

315. Did you get those from Mr. Crosby?—Yes; and Mr. Crosby made an affidavit of the circumstances under which they were found, and stated also that he had had frequent conversations with Mr. Harmar, who always said, "Poor Barber was quite innocent, I am sure."

316. Are these papers in print anywhere?—Not entire.

317. Then I understand, on these documents being brought to the attention of the Court of Queen's Bench in 1853, they allowed you to have your certificate?—They did.

318. Will you call the attention of the Committee to anything further you think material in those documents?—There is an extract from Sanders' instructions to his solicitor in the Appendix to Book 2, page 2. "It must have been about June 1842, or perhaps a little later in that year, I received a letter from Fletcher, informing me that he had received intelligence from his friend at the Bank of England of something very good, and requesting me to see him as early as possible. Accordingly I proceeded to London and went to his house, where he informed me his friend had given him the particulars of a case which had not gone to the Commissioners: that is, the ten years had not quite expired, which required it to be from the last dividend, before it was invested with the Commissioners for the National Debt; that it stood in the name of Ann Slack, Smith-street, Chelsea; that he, Fletcher, had made a great many inquiries all about that neighbourhood, and could find no trace whatever of any such person; that he had seen an old postman who had delivered letters there a number of years, and had given him money to gain all the information he could, but had obtained none whatever; as the sum was considerable, he thought I might get my wife to take the case in hand; I said I would endeavour to prevail on her to do so. A short time after this Fletcher came to Bristol; he said he came to make inquiries about the case of Slack, and, as I had informed him at our interview at his house, there were persons of the name in Bath, he thought to try there. I proceeded there, but could not find one that answered the description given by Fletcher. On my return, Fletcher informed me that his information was to the following effect: Anne Slack appears to have had a sister; at this time it was intended, if the right owner could be discovered, that information should be given to the owner upon receipt of a bonus, to be divided between me and Fletcher. Whilst these inquiries were in progress, information reached Fletcher from his friend at the Bank, that the stock had been transferred to the Commissioners for the Reduction of the National Debt; and after a long consultation, it was determined to try to obtain the money from the Commissioners by means of personation. Fletcher told me that it appeared Miss Anne Slack, in whose name the stock had stood, was one of two sisters who had stock invested in the same account; that there had been a power of attorney granted by the two sisters to a Mr. Hulme, whom Fletcher had ascertained was a partner, but who turns out to have been a clerk in the house of Jones, Loyd & Co.; that the sister had married a Captain Joseph Foskett, and that soon after his marriage had sold out; that Hulme had received the dividends to 1832, about which period he appears to have died. We therefore procured the army list, and found the name of Captain Foskett; but there being no address given, he being on half-pay, Fletcher said he had a person in the Army Pay Office from whom he could perhaps obtain Foskett's address. Fletcher returned to town, and some short time afterwards writes to me, his friend at Somerset House gave him the name of Captain Foskett's agent, from whom he had been enabled to find that he resided at King's Langley, which is on the line of the Birmingham Railway. I should have previously mentioned that Fletcher had obtained with other information of his friend at the Bank, on a small slip of paper, a fac simile of the handwriting of Anne Slack, taken from the power of attorney granted by her and her sister, to Mr. Hulme. Fletcher and myself went to Langley Station; and there on inquiry, found that Captain Foskett's residence was not very far off. We got a railway policeman to go into the village; by giving him a shilling to spend, he might be enabled to meet with some person to give him the information required, viz., if Captain Foskett's wife had a sister, and if so, her name and residence. Fletcher and I took tea prepared for us at the

the railway station. Our messenger soon returned with the intelligence that he had met with the coachman of Captain Foskett; that he had taken him to a public-house, and had partaken of some beer with him, and from whom he learned that Mrs. Foskett had a sister, who was living in the family, and was generally known to them as Miss Nancy. With this information I returned with Fletcher to town. We had no doubt but this lady was the person we had been so long in pursuit of; the next difficulty now was, how to get an introduction so as to be able to turn our knowledge of what the lady was entitled to to the best account (for now that we had made the discovery that she was living, all means of proceeding by personation were given up). At length it was settled that Fletcher should apply through Barber for that purpose, and with this understanding I left London. Fletcher came again to Bristol, and told me the result of Barber's inquiries, and also that it was Barber's opinion that it did not relate to her, but to some other Anne Slack. Fletcher said there could now be no obstacle in the way of my wife taking the case in hand. Fletcher then produced some paper without water-mark, and I wrote a will of Anne Slack from a copy produced by Fletcher; and before Fletcher left Bristol, which he did in about a week after, he took an advertisement to Verriers, the newsvender, in High-street, to be inserted in the Bath and Cheltenham Gazette, a copy of which paper I forwarded to Fletcher, by his desire, in London, and, as agreed on, my wife took lodgings in Westgate-buildings, Bath, where she answered the advertisement by letter, from a copy given to her by Fletcher as Jane Slack. Barber returned an answer, that he should be glad to conduct her business, as it was probable that he could be of assistance to her. My wife proceeded to London, saying she was about to pay a visit to her sister. On Mrs. Sanders's arrival in town, she took up her residence with her sister, Fletcher of course calling to see her. Fletcher went to the General Register Office in Somerset House, and discovered that there had been a mistake in the register which I caused to be made in Bath, for the name appeared to have been Stack instead of Slack. Fletcher stated to me that he saw the Registrar-general, who informed him of the error, and who advised its correction, for which purpose Mrs. Dorey and my wife went to Bath, had an interview with the Registrar and Superintendent, who would not alter the register unless they saw the person who had made the entry. I then received a letter from Fletcher, stating the error, and requesting to see me in town, where I immediately proceeded; met Fletcher by appointment on Waterloo Bridge, and we talked the subject over, he wishing me to go to Bath and have it put right. I refused to do so, and said I would rather abandon all further proceedings. It was at length arranged that we should take fresh proceedings by a fresh register, which was settled should be either in Chelsea or Pimlico. Fletcher and myself went to Pimlico, and after some research fixed on the place, and I was to make the registry, which I did, after calling several times at the Registrar's, he being from home; it was nearly 10 o'clock at night before I could get, as I was anxious to return to Bristol, and wished it to be done that night. Fletcher afterwards called at the Registrar's, and procured a certificate of the registry of Anne Slack's death as registered by me. Mrs. Dorey took lodgings for my wife. She disguised herself with a light coloured ringlet front, covering the greater part of her face, a close bonnet, spectacles and a veil. A disguise which she always wore whenever she went to Barber's office, Doctor's Commons, or the Bank. The fictitious will which was first made having devised the stock to Jane Slack, of Bath, it now became necessary that a fresh will should be prepared, and it was intended to apply to me for that purpose; but after the discovery of the error in the registry at Bath and the abandonment of proceedings there, I wrote a letter to Barber and Bircham on the part of Jane Slack, stating that Jane Slack did not think the Anne Slack, as advertised, had reference to her, and that I was instructed to say that she had consulted her solicitor, and therefore declined calling on them, or taking any further proceedings in the matter, to which letter I attached a feigned name. In consequence of that letter Fletcher would not allow me to write the new fictitious will, fearing that Barber should discover a similarity in the writing; he therefore wished my wife would get Mrs. Dorey to write the will, which she did. Mrs. Dorey frequently called to see her at her lodgings, generally in the evening; Fletcher also frequently calling, but no other person visited her." "My wife returned to her lodgings in Francis-street, Tottenham-court Road, after getting the money at the Bank, where she procured some refreshment for

Mr. W. H. Barber.

29 June 1858.

Mr. *W. H. Barber.*

29 June 1858.

Fletcher, he being, he said, quite fatigued from long anxiety and fasting throughout the day: after he finished his repast, my wife divided the money in the same manner as it was divided in Hunt's case. In the course of October or November last, my wife received two letters from Fletcher, giving me to understand that inquiries were going on in the Bank about this affair; this information he procured from his friend, Mr. Christmas, the clerk in the Bank of England. The first time I saw any account of what took place in the Mansion House, was a very short paragraph in the Bristol Mercury. I read it to my wife; she became very much affected, and at length became so ill that I feared her life to be in great danger. After the case of Mary Hunt came out before the magistrates, Mr. and Mrs. Dorey visited me in Bristol, and persuaded me to go forward and make a full confession of all I knew." From the following memorandum in the handwriting of Mr. Harmer, it is probable that this statement was originally prepared by Sanders as a narrative of the facts for the prosecution: "Sanders applied to Mr. Harmer, his solicitor, who proposed to Mr. Freshfield to supply him with material evidence, if he would admit the informant as witness for the Crown, or promise not to prosecute him. This offer was rejected, and it was thought advisable that Sanders and his wife should keep out of the way until the other parties had been tried, and they managed to elude the officers for two months, but were eventually apprehended."

In page 6 there is the following note, as to the reference to Hunt's case:—"The original statement in the handwriting of Sanders, giving the history of the concoction of Hunt's fraud, has not yet been found, but Mr. Barber's committee are in possession of the original briefs in Hunt's case, delivered to Sanders's counsel, in which that statement was embodied. The following is an extract, as to the division of the proceeds of the fraud in Hunt's case: "The amount appearing as Barber's charges did not exceed 25 *l.*, and Sanders thinks that included the proctor's charges; then Sanders paid the broker, and proceeded to get the notes changed, which he had received from the broker, into gold; and then he took a cab, and went to Miss Richards's lodgings in Dean Street, Soho, where, in the course of the evening, Fletcher came, accompanied by his daughter. After tea, Fletcher and Sanders adjourned into another room, where, after deducting for charges each party had incurred, Fletcher took 5 *l.* per cent. on the gross amount for his friend in the Bank of England, and Sanders took 20 *l.*, which he afterwards gave to Miss Hawks for her trouble, and all other claims being taken, Fletcher and Sanders equally divided the remaining into two portions, Fletcher taking one, and Sanders the other; and they divided about 1,200 *l.* between them."

319. You state, generally, with respect to these two documents, that the effect upon the Court of Queen's Bench was such that they thought no further doubt rested on the question, and you were admitted to practise as an attorney?—Yes; I received the unanimous judgment of the Court.

320. And you have practised as an attorney from that time?—Yes.

321. *Chairman.*] Were you opposed on that occasion?—Yes; by the Incorporated Law Society.

322. Mr. *Collier.*] You have practised since, and you are now practising?—Yes.

323. Now, your trial was in 1844, I believe?—Yes.

324. Were you at that time in good practice?—I had a very extensive practice; I had nine clerks constantly employed; I had a very large practice in Chancery, conveyancing, and common law; our bills of costs for the year prior to my apprehension on this matter amounted to 3,400 *l.*

325. Was your business an increasing one at that time?—My business had increased every year, and was a considerable practice.

326. I forget whether you gave the Committee the time you commenced practice?—In 1836.

327. And it had gone on increasing until it came to the amount you have stated?—Yes; it was then a business of greater profit than it had ever been; very considerably.

328. Of course you forfeited all your property upon your conviction as a felon; you described how you were enabled to come home by means of subscriptions: when you came home had you any means of your own?—Not a shilling.

329. How

329. How did you contrive to get on?—I was obliged to throw myself on the consideration of benevolent friends in the first instance?

330. You received subscriptions from various persons?—I did.

331. Have you incurred a good deal of expense in conducting your inquiries since you came home?—In the nine years it has cost me about 3,000 *l.*; that is to say, from the time I returned to the present time. It is 10 years, in fact.

332. You had to meet the opposition of the Incorporated Law Society, which you did not overcome until the year 1853; did that cost you a good deal of money?—A vast deal of money; there were four applications to the court, and the papers that were delivered to Sir FitzRoy Kelly, I think, were 500 brief sheets in length: I published the three pamphlets which the Committee have before them. I have also been at great expense in transmitting copies. I have sent them to all the Peers, all the Members of the House of Commons, all the Judges, to barristers, to solicitors, to everybody of any note, in order that they might have an opportunity of forming a correct opinion upon my case.

333. Then until the year 1853 you were unable to resume your profession? It was not until November 1855 that I got my certificate.

334. During all that time you had no profession?—None.

335. Now have you incurred debts in consequence of these proceedings?—Very heavy liabilities; I owe between 2,000 *l.* and 3,000 *l.*

336. Mr. *Arthur Mills.*] Is Mr. Bircham now practising as a solicitor?—I have had no communication with him.

337. Mr. *Collier.*] And you would know if he was practising in London, would you not?—He is not practising in London; I made some casual inquiry about him some time ago, and I was informed he was not practising in London.

338. Mr. *Massey.*] Have you ever looked into the Law List to see if he was to be found there?—Some time ago I understood he was practising at Fakenham, in Norfolk.

339. Mr. *Collier.*] Then since November 1855 you have resumed your profession?—I have.

340. I need not ask you, as a professional man, whether it is easy to recover lost ground for some time?—It is not easy, and especially in such a peculiar position as mine.

341. Have you found, notwithstanding what we now believe to be a complete vindication of your innocence, yet still what has gone before affects your position and practice?—Very seriously.

342. Mr. *Brady.*] Can you give us an illustration of it?—Only the other day one of my clerks had to attend before a Judge at chambers; my clerk succeeded in the conflict before the Judge, and my opponent being angry at his defeat, then threw into the teeth of my clerk "the defendant is represented by a convicted felon." On another occasion a party had come to me intending to make a loan of money on mortgage, and I was to have prepared the securities. On my name being mentioned by the borrower to a friend of his, he said, "Good God, that is the returned convict, Barber," and I was not allowed to do the business. My client said, "It is very true Mr. Barber was convicted and has returned;" and he explained the circumstances, but the man said, "I have not time to go into that; upon my life, I will not have my papers prepared by such a person; it is very unfortunate if the fact be so, but I will not have anything to do with him."

343. Mr. *Milner Gibson.*] You mentioned the case of Hunt as one of the cases in which Fletcher had succeeded in committing a fraud on the Bank; is that a case in which you were employed, or in which he employed some other solicitor?—That was a case in which he had employed another solicitor; that was before my connexion with him.

344. That was a case in which a large sum had been fraudulently obtained from the Bank, was it not?—Yes, between 3,000 *l.* and 4,000 *l.*

345. Under similar circumstances to Slack's case?—Under similar circumstances in some respects, with this important difference, that in neither of the cases to which I had the misfortune to be a party was there any, the slightest suspicion expressed by the Bank. In the case referred to, the Bank did suspect the genuineness of the claim, and they refused to pay the money, and Fletcher had the audacity to file a Bill in Chancery for the false claimant, and the affidavits, which were all concocted fraudulently, were referred to the Attorney-

Mr. W. H. Barber.

29 June 1858.

general of the day (the present Lord Campbell), and the Attorney-general was perfectly satisfied with the affidavits so concocted, and consented to the money being paid to the claimant; there was an order made by the Court of Chancery upon the Bank of England to pay the amount; it was paid, and they got the money, about 4,000*l.*

346. Were there two cases of Hunt; was there not a case of Hunt, in which you were concerned, as well as the other case of Hunt, in which another solicitor was concerned?—Yes, there was.

347. In your case the prosecution was carried on by the Government, on behalf of the Commissioners for the Reduction of the National Debt, I understand?—It was.

348. The loss, if the fraud had not been discovered, would have been to the State, would it not?—Yes.

349. Would the Bank of England been in any way affected?—The loss is to the State, under any circumstances; it is the Government's money, and the Government lose it.

350. Then the Government prosecuted because the money had been transferred to the Commissioners?—Yes; it had passed into the hands, or had been transferred to the Commissioners for the Reduction of the National Debt.

351. Has any change taken place since those frauds were committed in the manner in which those transactions have been conducted at the Bank of England; have they exercised greater precaution than they then exercised?—Yes; an Act of Parliament was then passed, and now, when a claim is made to stock upon which the dividends have been unclaimed, they advertise it in the newspapers, so that any person may come forward and dispute the right of the party applying.

352. *Chairman.*] They must give three months' notice of the claim?—Yes.

353. Mr. *Milner Gibson.*] I understand in Slack's case, after the forged will with the probate attached to it was lodged at the Bank of England, a fortnight was taken by the Bank of England to inquire into the claim, before they paid the money over to the party claiming under the will?—Yes, there was about a fortnight.

354. What did the Bank of England do in that fortnight?—That I do not know, except from one circumstance; it afterwards appeared that the owner of the stock had two sums standing in her name in the Bank books; one of 6,600*l.* and another of 3,500*l.*; on receiving the probate of the will, they looked to see whether there was any other stock than was there named when they found those two sums, and then they marked opposite to both "dead;" but notwithstanding they had so seen that the owner was possessed of 10,000*l.*, and they saw that the property had been sworn under 5,600*l.*, and although they saw by the will that the 3,500*l.* stock was the only sum mentioned in the will, and that the other sum of 6,600*l.* had apparently been forgotten, yet the Bank expressed themselves satisfied with the claim, and paid over the 3,500*l.*, leaving the 6,600*l.* in their own hands.

355. Did they write "dead" against that amount (6,600*l.*) as well as the other (3,500*l.*)?—They did.

356. Did they write that after they had seen the will, and in consequence of it?—In consequence of the probate.

357. Did they know that the person who owned the 3,500*l.* which was bequeathed by the will was the same person who also owned 6,600*l.* in another stock?—Yes.

358. Mr. *Hardy.*] That was the way the discovery was made?—Yes, some time after; not at that time.

359. When the next dividends were claimed?—Yes.

360. Mr. *Milner Gibson.*] Was there not a power of attorney at the Bank of England, signed by Anne Slack, the real owner of the stock?—Yes, there was.

361. Did the forged will also bear or purport to bear the signature of that same lady?—Yes.

362. Then could not the Bank of England by a comparison of those signatures have seen whether the parties were the same?—Certainly.

363. If they had exercised due vigilance during that fortnight by inquiry, could they not have prevented that fraud from being successfully carried through?

through?—Most unquestionably; if they had merely compared those two signatures, they would have seen the signatures to the two documents were as unlike as any two things could possibly be; in fact they had been studiously varied by Fletcher to prevent detection by me. He had produced to me the signature of Anne Slack, of Abbotts Langley, which was in the neat hand of a young lady, and when he produced the forged will he had made the signature of the pretended testatrix like that of an old lady, the testatrix appearing to be sixty-eight, and consequently very different from that of the first Miss Slack; they were as unlike as could be; therefore Fletcher risked detection at the Bank rather than from me. If he had produced a will with the same signature as that of Anne Slack to the note, I should have said "it is like that young lady's." Yet, notwithstanding those suspicious circumstances, and the party pretending to be the legatee of Anne Slack, entitled to all her property, asking for 3,500*l.*, standing in the books of the Bank, knowing, as she must have done, that she was entitled to 10,000*l.*, the Bank made no inquiry at that time. If they had made a comparison of the signatures the fraud would have been palpable. Mr. *W. H. Barber.* 29 June 1858

364. I presume there was the signature of that lady also in the Bank books, when she came to receive her dividends?—I am not quite sure of that.

365. At all events there was the power of attorney?—Yes.

366. Mr. *Arthur Mills.*] Do you know whether the dividends had been received under the power of attorney or personally?—I know they had been received at one time under the power of attorney.

367. Mr. *Milner Gibson.*] Fletcher could not have devised these frauds unless he had had private information from an officer of the Bank of England, could he?—Yes, he might; I dare say it was a great convenience. It turned out after my apprehension that he was in connexion with a clerk of the Bank.

368. That he had an accomplice in the Bank of England?—The Bank deny that he was an accomplice; they put him forward as a credible witness, and not to be suspected, although he admitted to have received from Fletcher several hundred pounds for the information he gave him.

369. He got paid for the information he gave Fletcher?—It turned out he got well paid for the information he gave him; I do not know that it was necessary for Fletcher to have such an accomplice in the Bank; I should say not, because the Bank had published a book stating the names of persons who had neglected to claim their dividends for 10 years, the nature of the stock, and when they last came to receive their dividends, so as to afford a clue to the owner. By an Act of Parliament it was and is the duty of the Bank to publish the amount of the stock and dividends, and keep the list open to inspection.

370. *Chairman.*] But not the name of the owner?—Yes.

371. Did they give any address?—Yes; the name of the owner, the nature of the stock held, and the residence and description, stating when he or she received the last dividend; that was what they published. It appears they did not state the exact amount which by the Act of Parliament is incumbent upon them. Now they do not give the public any means of recovering their rights; no step has been taken with that view, so that they do not assist persons who are the owners of such property without knowing it; they do not assist them at all; there is no public provision for that. Whether the Bank of England does try to find out the owners of stock, I do not know. The great improvement is, that there is a check upon frauds in this way, that public notice is given whenever an effort is made to get possession of unclaimed stock.

372. Lord *Goderich.*] Did I understand you to say you were surprised that the Bank paid the smaller sum claimed under the forged will because they were aware at that time that there was a much larger sum standing in the same name in their books which was not claimed under the will?—I was not surprised then; I am surprised now. When I found the Bank had treated the two stocks as belonging to one person, which was the fact, I was very much astonished, and I am now very much astonished that under such circumstances they should have ever paid the 3,500 *l.* to the claimant without any explanation.

373. When you yourself attended at the time the money was claimed under the forged will, did you know there were two sums, amounting altogether to 10,000 *l.* odd, standing in the Bank books in the name of Anne Slack?—I did not know that of my own knowledge; I had heard Fletcher say there was other money due to an Anne Slack, but she was another party.

374. The reason I ask you the question is this, I find it stated in the extract

Mr. *W. H. Barber.*

29 June 1858.

from Captain Foskett's evidence (Book 2, Appendix, page 13), "Mr. Barber followed us to the top of the stairs, and asked, 'Is Miss Slack a person of strong nerves, or likely to be much concerned, or affected, or excited, (I cannot recollect the exact terms), by the communication that a very considerable sum, I may say 10,000 *l.*, or even more, has been left to her'"?—The captain says that was what passed. If I did name the sum of 10,000 *l.* it was not with reference to those two amounts; I had not those two amounts in my mind; I do not think that was what I did say; I think the captain was in error as to that, as he was in several parts of his evidence; my object was to ascertain whether Miss Slack was a likely person to have forgotten such a sum; for example, if it was all the money she had in the world she would not be likely to forget that she had 3,500 *l.* in the Bank of England, but if she was a millionaire she might.

375. But at that time I understand you to say you did know there was some other sum standing in the books of the Bank in the name of Anne Slack, but you understood it belonged to a different person from the alleged testatrix?—Yes; Fletcher pretended to have made some inquiry, and to have ascertained that she was quite a different person. Whatever I said to Captain Foskett, I do not think I did name 10,000 *l.*; certainly not; I was not putting those two amounts together; I was not thinking at all of those two amounts.

376. Mr. *Milner Gibson.*] The will merely devised one sum of 3,500 *l.* to a particular person, and did nothing else?—With a general bequest, there appeared to be no other property whatever.

377. The will merely specified one particular sum of 3,500 *l.* stock, which was the sum upon which dividends had not been received for 10 years, and which had been transferred to the Commissioners for the Reduction of the National Debt?—Yes.

378. The Bank of England must have known that the party claiming that 3,500 *l.* stock under the will was the party entitled, if entitled at all, to the other sum of 6,600 *l.*?—Certainly; they show that they regarded both as belonging to the same person by marking both as "dead."

379. Do you know that that word "dead" was first directed to be put opposite both sums, after the presentation of the forged will, and in consequence of the presentation of that will?—I think that would be so.

380. Mr. *Hardy.*] They would hardly put it before?—No.

381. Lord *Goderich.*] Had the dividends on the larger sum been regularly paid?—Yes.

382. *Chairman.*] Do you happen to know whether these two sums stood exactly in the same name and with the same description?—I understood so.

383. With no variation at all?—None whatever.

384. Mr. *Crossley.*] Did Fletcher know of the larger amount?—I think he did; in the course of the investigation he adverted to it to me, but he said the two sums belonged to two different parties.

385. Have you reason to suppose he believed they belonged to different parties?—My impression is he did believe they belonged to different parties. I have no means of knowing the fact.

386. Or else he would have claimed the larger amount also?—Yes, it would have been safer to have claimed the larger amount also, because a claim for the smaller amount only was a suspicious claim on the face of it.

387. Lord *Goderich.*] Although the dividends had been paid on the larger sum?—Yes; but discovery was inevitable as it was; for the moment the lady went for her dividends and it was found she was marked "dead," it led to the discovery of the fraud.

388. Mr. *Milner Gibson.*] The party who presented the will at the Bank of England, Mrs. Sanders, described herself as Emma Slack, entitled under that will?—Yes.

389. Did she leave any name and address at the Bank?—Yes, certainly.

390. Did not the Bank send to inquire whether there was such a person as Emma Slack?—Never, that I know of.

391. What did they do during that fortnight?—I never could make out that they did anything. My clerk went to the Bank to inquire if the stock was ready, and no question was ever asked of my clerk or myself.

392. If inquiry had been made the fraud could not have been committed; it would have turned out there was no such person as Emma Slack?—Yes.

393. And the case would not have appeared so strong against you?—If they had

had made any inquiry during the time the thing was in progress, it would have stopped the fraud and I should never have been tried.

304. Mr. *Hardy.*] I suppose the probate would only go into the department in which the stock named in the will was?—I believe in all cases of unclaimed dividends the documents are submitted to the solicitor of the Bank, and undergo a scrutiny.

395. Would it not go into the department in which the stock was?—When a will is produced they go to the book in which the stock is, and mark the testator as dead; and they ascertain whether there is any other stock in the same name, and in that case they mark them both as "dead."

396. You do not mean in all cases?—I do not know of my own knowledge that they examine the books, to see whether the testator has other stock than is named in the will.

397. Lord *Goderich.*] Did you yourself ever make inquiries for the purpose of ascertaining that Fletcher's statement was correct, that the persons to whom the two sums of stock belonged were two different people?—No; I will explain why I arrived at the conclusion that the first person with whom I was in communication was not the owner; I should observe, I first of all satisfied myself she was not the owner, and therefore it was very natural the person who was the owner should be afterwards discovered.

398. Did you believe that the first person with whom you communicated, and who you afterwards believed to be the owner, was the owner of one of the sums, or both?—I was satisfied she was not the party entitled to the 3,500 *l.*, the other I had no business to inquire into; I may, perhaps, be allowed to state how I came to that conclusion: it was formed upon two facts chiefly; none of the general circumstances seemed fair to tally with that Miss Slack being the owner; for instance, Fletcher ascertained that the owner, whoever she was, had executed a power of attorney. I inquired of Captain Foskett if his sister had executed a power of attorney? he replied, he believed she never did. Then I asked this material question, what was her age? He said she was 27; now if she had been 27, it would have been a legal impossibility that she could be the owner, because the owner had executed a power of attorney at least 11, if not 12 years before, and at that time she would have been a minor; afterwards it turned out that Captain Foskett had misled me. When I saw her at the Mansion House, I asked the lady her age; it was thought very rude at first; but I was astonished to see a lady, who, instead of 27, was 40. If Captain Foskett had not misled me about that, as he admitted at the trial he did, I should have put his sister-in-law in possession of the fund, and the fraud would never have been committed.

399. Mr. *Crossley.*] You stated you did all you could at the trial to have your partner in the witness box, and it was made use of by your opponents saying, "Why did he not put his partner in the box?"—Yes.

400. Have you any means of adducing other evidence to substantiate that fact?—There is a passage in the affidavit of my solicitor at that time, upon which he obtained a postponement of the trial from the March sessions to the April sessions, expressly upon the ground of the absence of that witness; there is also a letter in Mr. Bircham's handwriting, in which he says he had heard that Barber was most particularly anxious to know where he was to be found; and in another he says, "You need not let Barber's attorney know I mean to be in town; I shall not let any one know it; I am going to stay with a friend at Islington, and shall keep out of the way."

401. Mr. *Cobbett.*] Is there any newspaper report of the speech of Mr. Erle, in which you say he taunted you with not putting your partner in the box?—I think it is probable there may be.

402. Mr. *Hardy.*] In fact, no evidence was called in your behalf at the trial?—No evidence was called on my behalf. The reason was this: Mr. Serjeant Wilkins said that, not having a separate trial, it was impossible for me to call witnesses with any effect; the proper witnesses were the persons who were in the dock.

403. Did you see Miss Slack for the first time at the Mansion House?—I did; though she had been brought to my office door she was not brought in; if she had been, I think I should have seen a very good reason why the money had been overlooked, because it turned out that although she was a very lady-like person, but one of very weak mind; just such an one as might have forgotten anything.

Mr. *W. H. Barber*

29 June 1858.

404. Mr. *Arthur Mills.*] Were no witnesses called by you as to character?—A great many were called as to character.

405. Mr. *Hardy.*] A question was put to you as to the property you had; was there a forfeiture of that property on your conviction?—Of course it was forfeited.

406. Was the forfeiture exacted?—It was not lost in that way; it was sacrificed in another way—by successive seizures during my four months' imprisonment.

407. It was seized on the part of the Crown?—No, it was not.

408. It was seized for debts?—It was seized in this way: on my being apprehended I had not any immediate means, though I had ample resources if I had had my liberty—book debts and other property; locked up in gaol I could not get at anything, and therefore in the four months which elapsed between my apprehension and the trial, rent and taxes became due at my private residence, and also at my offices; first, there was a seizure for rent, then a seizure for taxes, and things of that nature, which became due in consequence of my confinement.

409. Mr. *Yorke.*] Had you no solicitor to whom you confided your personal arrangements, who would have carried on your business during your confinement?—My solicitor could not carry on my business; my partner was the only person who could have carried on that.

410. I am speaking of your private property and arrangements?—I do not know what my solicitor could have done.

411. There was no embargo laid on your property up to that time?—My property was book debts, furniture, and things of that nature.

412. In your petition you say that you possessed the lease of the house in which you carried on your business, and also a good law library, with office furniture, and every other requisite for the efficient conduct of an extensive and lucrative practice; that you had likewise a private residence, suitably furnished, with a valuable private library; and also had claims to a considerable amount on parties for book and other debts, which, in consequence of your conviction, have been lost to you, by the operation of the statute of limitations; how was it that, during the period you were incarcerated, you had no person to whom you could look to collect the book and other debts, who could sell the lease of the house, or convert the law library and the valuable private library into available funds, either for transference to an agent, or for the purpose of your immediate wants?—The reason was, that I would not permit the property to be sold.

413. What became of it?—It was seized for rent and taxes. I hoped to be acquitted, and to walk back into my house and office, and I would not consent that a thing should be sold.

414. Do you know what amount your property realised?—I believe, under the circumstances, it did not realise more than 150*l.*, which paid the rent of the two houses, and the taxes.

415. Then, do you mean to state to the Committee that, including the property referred to in these two paragraphs 31 and 32, the whole of your resources were 150*l.*?—Very far from it. I mean in the way in which the property was seized and sacrificed. I do not know, of my own knowledge, what the property realised. I mean to say that the furniture of my house in Nelson-square had cost me between 400*l.* and 500*l.* I had also a private library there, and it was all seized and swept away. I have never seen one single article since.

416. Mr. *Massey.*] Was no account rendered to you by the parties who swept away the property?—No.

417. Had you any account at your private bankers?—I had an account with the Bank of England; and on my apprehension I sent to see how my account stood, and there was only a balance of 30*l.*

418. Mr. *Yorke.*] Then you mean to represent to the Committee that all your property, with the exception of 30*l.*, you were robbed of in that way?—It was sacrificed in that way; the furniture, books, and other effects at my private residence, and at my office, were seized for rent and taxes, and sacrificed in that way. I was in prison at the time; I let them do what they pleased with it; in the state of mind I was in, I felt very little interest in it.

419. You use the pronoun "they"; who are we to understand by "they"?—There was the landlord of the house in which I resided, the landlord of the house in which I carried on my business, and the collectors of the Queen's taxes; those are the parties.

420. You

420. You had a partner at that time?—I had a partner.

421. Mr. *Hardy.*] The lease of the office belonged to both?—No, it belonged to myself; I had a lease for 14 years; I had laid out 200 *l.* on it a short time before; I had paid 80 *l.* for the fixtures, and 15 *l.* for the lease.

422. Where was your office?—28, New Bridge-street, Blackfriars, a large house which is now the infirmary for cutaneous diseases.

423. *Chairman.*] At what do you estimate the effects, which you say were sold for 150 *l.*?—I think the furniture, books, and things of that nature would have been worth about 1,000 *l.*

424. Mr. *Yorke.*] As far as you know, the whole of your property was seized, and got rid of for a sum amounting to about 150 *l.*?—I do not suppose it realised more than about that. I have never had any account of what it produced.

425. What was the amount of the book debts?—The book debts were very considerable; 2,000 *l.* or 3,000 *l.*

426. Have any steps been taken to recover those book debts?—When I returned to this country it was too late; they were out by the Statute of Limitations.

427. In the meantime, why had not your partner collected them?—I required an account from my partner and he refused to furnish one.

428. You had your remedy, had you not?—I might have gone to law with him; I might have applied to the Court of Chancery.

429. You might have done more; you might have applied to the court to strike him off the roll?—No, it was not a ground for that; they would have said, "You have your remedy, you may go to the Court of Chancery." I was not in a position to stand a Chancery suit; I had had struggle enough to get restored to practice. I had very limited means, and was in very considerable affliction.

430. Mr. *Crossley.*] Have you never received any money from either of those book debts at all?—Only about 70 *l.*

431. Is that since your return?—In consequence of an insolvency estate turning out better than was expected, it paid a dividend of about 70 *l.*, which I received; that is all.

432. So far as you know, have any of those debts been paid to your partner?—I think a great portion of them were quite irrecoverable by him, on account of his not knowing much of several large matters of business. A good many were recovered, and others lost from his not knowing how to make out the accounts.

433. Would he not have access to the books in your office?—Yes; but he would have great difficulty in making out the accounts if they were resisted. He would make very different charges. It is only the person who attends to the business who can make out proper law bills.

434. Mr. *Yorke.*] As a solicitor who had been in practice, do you mean to say that during the four months of your confinement, you did not take any steps for the realization of your property in book debts, or otherwise, or even to see what your assets were, or how you could render them available?—I did not, except that I applied to some parties who owed me money to pay, and in one or two cases I was paid very small sums; it was a very trifling amount.

435. Then now we are getting a little more than 150 *l.*; it appears that you did recover some book debts?—When I spoke of 150 *l.*, that is as far as I know.

436. Mr. *Hardy.*] In fact, you got nothing?—No.

437. Mr. *Massey.*] From what funds did you prepare your defence and fee your counsel?—I got in some small book debts; there was a little subscription raised; I borrowed money of parties wherever I could, from friends who had known me, and my counsel defended me almost gratuitously.

438. Did the parties from whom you borrowed money require no security?—No; they did it in a spirit of generosity, and required no security.

439. And they have never been repaid?—No, they have not.

440. Mr. *Arthur Mills.*] Did your partner continue to carry on business in the same premises, after your transportation?—Only for a very short time after my apprehension.

441. Mr. *Brady.*] The fact of your being convicted, I suppose, affected the

Mr. *W. H. Barber.* practice to a large extent; destroyed the credit of the house?—Yes, indeed it did; at all events it was entirely lost to me.

29 June 1858.

442. Mr. *Hardy.*] I presume in your contest with the Incorporated Law Society, there were many affidavits?—Most voluminous affidavits. I think more than a hundred.

443. With reference to the cases on which you were not tried, did the Incorporated Law Society raise any question upon those?—They went very fully into those.

444. They were contested in fact on affidavits?—With reference to the sacrifice of property, this is a letter which I wrote to Mr. Bircham from the Compter: "I hope you have found in the bosom of your family some comfort, if not happiness, during your brief visit. What my condition of mind has been you may readily imagine; still I bear up against the cruel attack with all my energies. It appears that Mr. Viney, the landlord of the house in Bridge-street, alarmed at my position, and not being able to see you, has put in a distress for the rent due on Monday last (33 *l.* 6 *s.* 10 *d.*). This, I think, you will see the propriety of paying at once, to save further expenses and the destruction of our mutual property; you are aware that 30 *l.* was due to me on the 17th instant for the half-year's rent of the offices. I am quite sure it will be found that I have not drawn so much during the past year as I might under the articles; our capital has become spread over a varied and extensive practice. After my acquittal, which I feel quite satisfied about, our great object will be to get our bills made out; from my brief entries this is a labour that will almost entirely devolve on myself. I am most anxious that you should have an interview with myself or Gedye, to settle the minutes of your evidence, which (combined with other circumstances and with papers I have had looked out) will entirely demonstrate my innocence. Pray, therefore, recollect all you can, and see him without delay; without your evidence I shall be in dreadful peril, and perhaps lost. Should you not have arrived from the country by the time this reaches the office, I have directed it to be sent on; and if you value our mutual credit, or what is due to your unjustly suffering partner, you will come up immediately and render me the full benefit of your evidence. Your presence at the office is indispensable, to preserve as much as possible of the wreck of our property and connexion."

445. What is the date of that?—"Tuesday morning, eight o'clock;" that would be immediately after Christmas.

446. Mr. *Brady.*] That was after your arrest, and before you were tried?—Yes; I was tried in April.

447. Mr. *Yorke.*] May I ask, whether, at the time of your trial, you were wholly independent of Fletcher, or did you owe him money?—I think he owed me money.

448. Mr. *Crossley.*] Had you known him long?—I had known him from the year 1839.

449. Mr. *Hardy.*] You had had occasion to borrow from him at times?—Yes.

450. How recently before the trial did you borrow from him?—I should think a year and a half; when he did lend me money it was always at high interest.

451. Was all the money you had borrowed repaid?—All, taking into account a bill he owed me; the balance he knew to be considerably in my favour.

452. A bill for business done?—Yes.

453. Was he one of your debtors; was that one of the book debts you spoke of?—I think he would have been one of my debtors, but not to a large amount.

454. Your bill was a set off against the money you owed him, and something beyond it?—Yes.

455. *Chairman.*] Have you anything to add to the evidence you have given?—With reference to a question put to me by an Honourable Member, as to there being prisoners in Norfolk Island who had been convicted of murder, I beg to refer to a report from the Civil Commandant in 1848, in which the following cases are quoted: "Martin Cash, transported twice; once for larceny, in stealing eggs and other articles; once for wilful murder, and three years to Port Arthur, for absconding, and having been so long at large, supposed to have committed numerous robberies." Now, although he had been convicted of murder and had been a notorious bushranger in Van Diemen's Land, that man was treated with exceeding indulgence in Norfolk Island; he was an overseer, having nothing

nothing to do but to plait straw hats for the officers; a mere pastime, in fact. Then there is the case of Thomas Brown, "transported four times, once for stealing tools, once for absconding and felony, once for an attempt at murder, once for murder, and once existing sentence extended one year for absconding." Those men were on the island at the time. I merely mention this to show that there were convicted murderers there with whom I had to associate.

Mr. *W. H. Barber.*

29 June 1858.

Martis, 6° die Julii, 1858.

MEMBERS PRESENT.

Lord Hotham.	Mr. Arthur Mills.
Mr. Hardy.	Mr. Wilson.
Mr. Bright.	Mr. Milner Gibson.
Mr. Brady.	Mr. Yorke.
Sir John Trollope.	Mr. Adams.
Mr. Crossley.	Mr. Massey.
Mr. Collier.	Mr. Cobbett.

LORD HOTHAM, IN THE CHAIR.

Major-General *Joseph Childs*, called in; and Examined.

Major-Gen. *Joseph Childs.*

6 July 1858.

456. *Chairman.*] ARE you in the Royal Marines, with the rank of Major-General?—Yes.

457. Sir *John Trollope.*] What was the treatment on your part, as Commandant at Norfolk Island, of Mr. Barber when he was under your charge?—He was treated like any other prisoner.

458. Do you remember when the "Agincourt" arrived, which brought him over, your going down to the station?—There is no doubt I did go down to the station to see the men.

459. Do you remember seeing Barber pass by amongst the number, and taking special notice of him?—No, I cannot say I did. I see in his examination, he says I ordered his hair to be cut; it is very possible I did. I ordered a great number of men's hair to be cut when they arrived.

460. Did you single the prisoner Barber specially out for that purpose?—Certainly not.

461. Did you ask him how it was he had not been to work?—I do not remember that I did. If he were reported to me by the surgeon as an invalid, it is possible I did, and he might have answered me.

462. Did you rebuke him when he answered you, by saying, "Hold your tongue, sir; go in, sir (there was a gateway standing open; he had a cane in his hand); I will see to you, Mr. Barber; I will see after you"?—I do not think I said any such thing. I have not the slightest recollection of it; and as to a cane, I scarcely ever carried such a thing. I carried perhaps a little walking-stick, or something of that sort.

463. Were any applications made in behalf of convicts of the better educated class, for appointments as clerks, or for their services to be employed in any light labour?—Frequently.

464. Were similar applications made on behalf of Mr. Barber?—There were.

465. Did you listen to them?—I did not, because I had received orders from the Governor to carry out the regulation, which was, that no one was to be a clerk until he had been a certain time in the island. For instance, if he was obliged to be on the island three years, he had to serve one year before he could go into an easy berth. That was a regulation of the Colonial Office.

466. Who do you mean by the Governor?—The Governor of Van Diemen's Land.

467. Sir Eardley Wilmot was Governor at that time?—Yes.

468. You were commandant in Norfolk Island?—Yes. I could do nothing except by his orders.

469. Was that a general order with reference to all convicts?—Quite so.

Major-Gen. *Joseph Childs.*

6 July 1858.

470. Do you remember Barber's services being applied for by persons for services other than the Government's?—I think Mr. Naylor, the clergyman, was the first who applied for him.

471. And you refused him?—Yes.

472. For the same reason?—Yes. I think Mr. Rogers was another who applied for him.

473. Was any application made by Lieutenant Lloyd on his behalf?—I do not recollect. It is possible, because he was the superintendent of the division at Longridge.

474. Did Commissary-general Smith apply for him?—I have no recollection that he did.

475. You have no recollection that Mr. Commissary-general Smith applied for him?—No.

476. Did he ask for his services as a hut-keeper, or in any other capacity?—I have no recollection that he did so. When Barber first came on the island, he was put to very easy work by the superintendent of the station at the Settlement. Nine out of ten of the convicts would have done the work by eight o'clock in the morning.

477. What was the work?—That of a wardsman.

478. It is stated by Mr. Barber that Mr. Commissary-general Smith applied for him to perform the duties of a bag-maker at his own place, which was refused?—It is possible he might, but I do not recollect it.

479. I understand you refused all these applications?—I did, because I had just before been warned to carry out the regulation.

480. Mr. *Bright.*] Do you mean you had been warned to carry out the regulation with regard to Barber?—Not with regard to Barber in particular, but with regard to all the prisoners.

481. Mr. *Wilson.*] That was a general rule as to all the prisoners?—Yes, as to all the prisoners.

482. Sir *John Trollope.*] Have you a copy of these rules?—I have not a copy with me; they are in Norfolk Island.

483. You say you made no exception as to Mr. Barber in the leniency or severity of his treatment?—I did not.

484. Mr. *Arthur Mills.*] It was stated in evidence before us by Mr. Barber, that Fletcher, the man who was sentenced with him, had some light employment given to him; what employment was that?—That was under the medical man. Dr. Graham, the surgeon of the island, considering he was too weak and infirm to do any field labour, and Fletcher being a medical man, he took him into the dispensary at Cascades, which is about three miles from the Settlement, where he employed him as a dispenser of medicine.

485. Do you know at all whether there was any material difference of age between Fletcher and Barber?—I should think Fletcher was a great deal older than Barber.

486. Was the employment of Fletcher as a medical dispenser in any sense a deviation from the instructions you had received with regard to that class of convicts?—Certainly; but it was in consequence of the doctor considering he was not fit for field labour, and that he never ought to be sent there, and that Barber was able to go into the fields, or do any work.

487. Mr. *Wilson.*] Was it from Fletcher's physical disability or from age?—From age and physical disability too, I dare say.

488. Mr. *Arthur Mills.*] Had you any representations made to you of a similar kind by the medical officer with respect to Barber, as to his inability to perform his duties whatever they were?—He was removed from the settlement, at the request of the medical officer, to Longridge, and from Longridge he went to Cascades and he remained there, until a correspondence was discovered at the station between him and another convict; a very long correspondence. The stipendiary magistrate of the island, Mr. Barrow, issued a warrant to search Mr. Rogers' house, in which there was a great quantity of writing seized, and sent to the Governor of Van Diemen's Land. I never saw it, at least I never read it. On that occasion Mr. Rogers was suspended from the Commission of the Peace by Sir Eardley Wilmot, in consequence of those documents.

489. Sir *John Trollope.*] Whose documents were they?—They were in Mr. Rogers and Barber's hands. They were in Barber's writing. A letter was seized at the Settlement, which was written by Barber to a prisoner, stating, as far as I recollect,

recollect, that he was very comfortable at Mr. Rogers' table, and that he could send letters for that convict to England, without being suspected by the authorities.

Major-Gen. *Joseph Childs*

6 July 1858.

490. Mr. *Bright.*] Did you see any of that correspondence?—I saw it.

491. Did you read it?—I did not read it. I saw the letter which was written by Barber to M'Callum.

492. Was that a letter to a convict?—Yes.

493. Who was the convict?—A man of the name of M'Callum; I think he went out in the "Thetis."

494. Was that a letter from Barber to M'Callum?—A letter from Barber to M'Callum.

495. Sir *John Trollope.*] You have spoken about the duties you did appoint him to; viz., those of wardsman. Will you describe to the Committee what those duties were?—He had to clean out the room after the prisoners had left it.

496. For how many prisoners was that room calculated?—At the time he was at the station, there were about 200 prisoners. He had always a man to assist him.

497. He was not solely to perform those duties?—No.

498. At that station he had about 200 prisoners?—Yes.

499. How many had he at Cascades?—I really do not think he had to work at the wards there.

500. Mr. *Arthur Mills.*] Was any remonstrance at any time addressed to you by Mr. Rogers, the chaplain, in respect to the treatment of Barber?—No.

501. Was any representation made to you by Mr. Rogers?—He applied for Barber to be his servant. There is no question he thought he ought not to have been there at all. I believe that was his opinion.

502. That he ought not to have been in Norfolk Island?—Yes.

503. Mr. *Bright.*] You mean that in Mr. Rogers' opinion, Barber was innocent, and ought not to have been there?—Yes, and there were several others in the island who were of that opinion. I think Mr. Commissary-general Smith was another.

504. They believed in the innocence of Mr. Barber?—Yes.

505. Mr. *Arthur Mills.*] In his examination, in answer to a question addressed to him about the representations of the chaplain to you respecting himself, Mr. Barber stated that this took place: "Major Childs was passing, and the chaplain said to him, 'There is Barber in hospital again.' 'Oh,' said the major, 'he is always in hospital.' 'He will not be there much longer; you will find he will be in the grave; and I will tell you who I shall hold responsible for it.'" Have you any recollection of any conversation of that kind passing?—I have not; it is possible it might have taken place, but I do not recollect it.

506. Then you are not prepared to say that some conversation of that kind did not take place?—No, I am not.

507. Is it possible that some conversation of that kind did take place?—I have no recollection that such a strong conversation as that passed.

508. Have you any recollection of any conversation of that kind?—Nothing beyond his asking for him as a servant. I am of opinion that he lived at Mr. Rogers' table frequently.

509. Sir *John Trollope.*] Though he was not residing as a servant in his household?—He never was as a servant of Mr. Rogers, but he used to contrive to get there.

510. He was not a regular inmate, but only an occasional visitor?—I imagine so; it was unknown to me; but I have now reason to believe that he was there at all convenient times.

511. Mr. *Adams.*] Are you not sure, one way or other, whether a remark of this grossly strong character was ever made to you by Mr. Rogers: "He will not be there much longer; you will find he will be in the grave, and I will tell you who I will hold responsible for it?"—I have no recollection of it.

512. Would not a thing of that sort, if said by the chaplain to one in high authority as you were, have struck you as so unusual that it would find a place in your memory?—I should think so.

513. Mr. *Brady.*] Was it in consequence of that representation that Barber was removed to Cascades?—In consequence of representations made to me by the surgeon.

514. Was it in consequence of what Mr. Rogers had said to you?—He could only be removed upon the statement of the surgeon.

Major-Gen. *Joseph Childs.*

6 July 1858.

515. When did you leave Norfolk Island?—In September 1846.

516. How came you to leave it?—I was superseded by Sir Eardley Wilmot's order.

517. Were you not suspended?—Yes.

518. Were you not actually dismissed?—Mr. Price was sent there.

519. Were you not dismissed for irregularities in the island?—I was dismissed, but I am not aware it was for irregularities.

520. Will you tell the Committee under what circumstances you were dismissed?—I really cannot tell you.

521. Are you not able to tell the Committee the cause of your dismissal?—Mr. Robertson, a gentleman from Van Diemen's Land, was sent up to inspect the island, and upon his report I was superseded.

522. You were dismissed, in fact?—Dismissed, if you please.

523. Mr. *Bright.*] What was the nature of the report?—Part of it was owing to the crank not being properly worked; the men at the crank, when they were at work, would shout and cheer each other; encourage each other. It is very hard work.

524. What was there besides?—I do not know of anything else.

525. Surely, you do not mean to say you were superseded merely because the men at the crank-work shouted to and cheered each other?—I am not aware of anything else.

526. Try to recollect?—I do not recollect anything besides.

527. How long had you been in Norfolk Island as commandant?—About three years.

528. Mr. *Brady.*] Was there not great disorder in the island, and was not that disorder attributed to you in the report?—I think not.

529. Are you not certain it was so?—No; there was great disorder in the island on one occasion.

530. Was not that disorder attributed to you in the report?—I think not.

531. Mr. *Arthur Mills.*] Did you read the report?—Yes, I did read it, but I do not recollect anything in particular; the island in general was not considered o be properly governed; there never was any inquiry; I was sent home. If I had gone to Van Diemen's Land, most probably I should have been sent back again.

532. Mr. *Cobbett.*] Was the report printed?—I think it was; it must be in the Colonial Office.

533. Mr. *Collier.*] You said you treated Mr. Barber according to the general rules; are we to understand, that when he arrived, and persons applied for him as a clerk or servant, you refused those persons entirely in consequence of those general rules?—Quite so.

534. Did you, at the same time, permit other persons similarly circumstanced to become clerks or servants?—I am not aware that I did, unless it was some man who was of great use in the island.

535. Would you undertake to say, that at the same time when you refused to allow Barber to be a clerk or servant, you did not allow other persons similarly circumstanced to be clerks or servants?—I do not think I did.

536. Will you undertake to say you did not?—I do not recollect it.

537. Can you undertake to say you did not allow anyone else to be a clerk or servant at the time you refused to allow Barber to be so; surely you can say whether you did or not?—There may have been occasions on which I did.

538. You say there may have been occasions?—But I do not recollect them.

539. Do you not believe there were such occasions?—When I first went there, I was obliged to appoint some to such offices.

540. I am speaking of the time when you refused to allow Barber to be clerk or servant; will you undertake to say at that time you did not allow other persons similarly circumstanced to be clerks and servants?—I am not aware that I did.

541. You said just now you might have done so?—It is possible, but I do not think I did.

542. You know, I suppose, that the duty of a wardsman to the prisoners was a very disagreeable and disgusting one?—It was never considered so by the prisoners; there were generally volunteers to perform that service; it was a light work.

543. You say there were volunteers?—I generally left those appointments to the superintendent of the station, and he used to pick out his men; very frequently

quently the weakest would be able to perform that duty who could not do hard work.

544. Mr. *Hardy.*] Did you yourself fix upon Barber as a wardsman?—Certainly not; it was done by the superintendent of the station.

545. Mr. *Collier.*] Were not complaints made to you of Barber's health being affected by his duties as a wardsman?—Not by his duties as a wardsman; it was because the settlement was not a healthy station, and a request was made by the surgeon that he should go to Longridge.

546. Do you mean to say he did not complain of his duties as a wardsman affecting his health?—He never did to me. The surgeon represented it was necessary he should go to Longridge for change of air; I consented, and he went to Longridge.

547. Mr. *Brady.*] Did not the surgeon tell you on what grounds he considered the man's health to be injured?—I do not think he ever told me it was in consequence of the duties he had to perform.

548. Are you sure he did not?—I feel sure he did not.

549. Mr. *Collier.*] With respect to Dr. Graham, did not Dr. Graham represent to you that Mr. Barber's health was being injured by his duties as a wardsman?—I do not recollect that he ever said it was from being a wardsman; it was from being in the Settlement.

550. Just try to recollect; did he not tell you that his duty as a wardsman injured his health?—I do not recollect that; he was appointed wardsman at the other station.

551. Will you undertake to say that Dr. Graham did not make a representation of that kind?—I should say certainly not. I feel assured it was in consequence of the station not being considered healthy for him.

552. With respect to the duties of a wardsman; a wardsman has to remain up all night, has he not, or the greater part of it?—No; he may go to bed, as the others do.

553. He has to look after the convicts, has he not; he is in charge of them at night?—When you say in charge, I do not know what you mean. A guard is close to them, and an overseer.

554. The guard is outside, is it not?—That is very true.

555. The wardsman is the only person inside with the prisoners?—He is one of the prisoners, and he has his bed the same as the others.

556. Had he not to look after the other prisoners?—It was expected he would report any irregularities, if there were any.

557. Was it his duty to clean out the rooms, and empty the offal?—Yes, the urinals and night tubs.

558. Do you mean to say that was not a very foul and disgusting occupation?—You may think it so; I, as a soldier, do not. Soldiers are obliged to clean their own rooms; I do not mean to say it was not so to a man in the position Barber had been; it must have been very obnoxious, and very disagreeable to him; but it was very easy work. His work was very often done by eight o'clock in the morning.

559. With respect to the appointment of convicts to be clerks, did you appoint a person of the name of Fowler, who went out with Mr. Barber, to be a clerk; do you remember that?—I do not. What was he appointed to?

560. Was there a man of the name of M'Callum you appointed to be a clerk?—Yes; I allowed him to be appointed, but he did not go out with Barber.

561. Was he appointed at the time Barber was in the island?—I think he was appointed before Barber came into the island.

562. Are you sure of that?—I am not quite sure.

563. Are you sure M'Callum did not go out in the same ship with Barber?—I believe not.

564. Are you sure Fowler did not?—I believe not; that may be ascertained at the Colonial Office.

565. Was there a person of the name of Clark in the island?—Yes.

566. Do you remember his being appointed a clerk at the time Mr. Barber was there?—I do not.

567. Was there a man of the name of Fraser?—Fraser went out in the ship "Thetis;" he was there two or three years before Barber.

568. Was Burgess appointed a clerk?—Burgess also went out before.

569. When did Burgess go out?—I think he went out in the "Thetis."

Major-Gen. *Joseph Childs.*

6 July 1858.

570. Mr. *Milner Gibson.*] If I understand, as a matter of fact, when Fletcher arrived in Norfolk Island he was immediately employed as a medical dispenser, was he not?—Yes; he was employed by the surgeon, to the best of my recollection.

571. Was he allowed a private apartment?—He was allowed an apartment in his dispensary.

572. A private apartment?—I do not know how you can call it a private apartment; it was in the dispensary, or surgery.

573. He had a room to himself?—It was a little place in the surgery; it was a very small place.

574. But it was a private apartment; he had it to himself?—He was under the medical man; he was taken out of my hands altogether.

575. I am speaking of while he was being employed as a medical dispenser; he had a private apartment?—Yes.

576. Mr. *Wilson.*] Was that for the purpose of performing his duties?—Yes.

577. Mr. *Milner Gibson.*] Had he not superior rations and superior bedding?—I am not aware that he had; he had the sick rations.

578. I ask whether he had not superior rations and superior bedding?—I am not aware about the bedding; he had sick rations, being a sick man. Fletcher was always on the sick list.

579. You say, if I understand you, that Fletcher from the first was employed as a medical dispenser, had a private apartment, had superior rations and superior bedding, and that Barber was immediately put to the offensive and disgusting employment of cleaning the urinals, and those other places, for two hundred prisoners; is that so?—I cannot tell you about the bedding; but Fletcher was sick all the time I was on the island; he was never out of the sick list to the best of my recollection. Fletcher was employed as a dispenser of medicine, and that was all the duty he did.

580. His situation was a very preferable one to Barber's?—Yes. Barber was just like any other convict on the island; there were two thousand there; they could not all be dispensers of medicine.

581. Had you ever to make any complaint of insubordination or misconduct against Barber?—I had.

582. What was the complaint?—That he used to go out of bounds; that is, from one station to another without a pass; and one convict writing to another was not a thing he ought to have done.

583. When did he do that?—When he wrote a letter to M'Callum from the Cascades station, stating he would forward any letters to England, without their coming under the supervision of the officers of the island.

584. Sir *John Trollope.*] What was the nature of the punishment you inflicted on him when those offences were reported to you?—None; he was not punished until Sir Eardley Wilmot reprimanded me. The only punishment he ever had from me was being sent to the field-gang.

585. Mr. *Milner Gibson.*] Are you aware that Mr. Price, the commandant, who succeeded you, signed an official certificate that Mr. Barber had in all things conformed to the regulations of the island during the whole period of his detention there?—So he did, all the time he was there with me, except what I tell you he did in writing those letters.

586. Are you aware that Mr. Price, who succeeded you, made a formal entry that Mr. Barber had conformed to all the regulations of the island?—I was not aware he had given such a certificate, but I should have given a similar certificate, with the exception of those things I am telling you of; I had no fault to find with him in his situation as wardsman.

587. With the exception of those small matters, you would have given him a certificate that he had conformed to the regulations of the island?—I should, with the exception of his writing those letters which was contrary to the regulations of the island. I consider he had a great deal of indulgence while I was in the island; it was a disagreeable service certainly, but a very easy one.

588. Was not Mr. Barber's writing in connexion with his own case, and in order to bring forward proofs of his own innocence?—I think some of Mr. Barber's friends there did him an injury.

589. I am speaking about the writing you say was an offence on his part; was it not writing for the purpose of establishing his own innocence?—I am speaking

speaking of a letter from one convict to another, telling him how comfortable he was, and that he could send letters to England for him, without their being seen by the authorities. I do not consider that was right of him; no letter ought to have gone off the island without my authority, or that of some of the officers under me.

590. Mr. *Wilson.*] Do I understand you to say he wrote to another convict, and told him he had an opportunity of sending his own letters, or that he could send letters for that other convict if he wished it, without the authorities seeing them?—That he could send letters for that other man.

591. Was that man a convict?—Yes; a man named M'Callum.

592. Mr. *Bright.*] Did you happen to see that letter yourself?—Yes, I saw it.

593. Did you read it?—I think not.

594. Did you read the letter from Barber to M'Callum, stating that?—I did not read it; it was read to me.

595. You spoke of a great quantity of writing?—That was all sent to Van Diemen's Land.

596. Have you any reasons to disbelieve that it was connected with Barber's attempt to prove his own innocence?—It is very possible; he was allowed to write very lengthy letters; there never was any objection to his writing, if he applied for permission.

597. Mr. *Wilson.*] By whom was that letter read to you?—I think it was read to me by the secretary.

598. Mr. *Crossley.*] What was the purport of it?—There was one part of it stating how comfortable he was with Mr. Rogers.

599. Mr. *Milner Gibson.*] During the time Barber was employed in that wardsman's duty, a period of nearly 16 months, he had several times a severe illness, had he not?—I do not think he had any very severe illness.

600. He went into the hospital several times from illness?—That, of course, would rest with the medical gentleman; whenever he chose to report him sick, he could do so.

601. You say Dr. Graham did not tell you that Barber's illness was in consequence of his occupation?—I think not; for this reason, if he had, he would not have been put to the same occupation at Longridge.

602. Can you say that Dr. Graham did not make an entry of a protest in the visitors' book to that effect?—I should think not.

603. You do not know whether he did or did not?—No.

604. You do not know that he did not?—No.

605. It has been stated that Dr. Graham entered in the visitors' book against Barber being sent back to that employment in the ward on account of his health; was that so?—It is possible.

606. You do not know whether that is true or not?—No, I do not.

607. Mr. *Wilson.*] Can you tell us why Barber was sent to Norfolk Island at all; was he of the class of convicts who were usually sent there?—He came out mixed with the others.

608. Did he come direct from England to Norfolk Island?—Yes; I think it was in the Agincourt.

609. Was it not usual in Norfolk Island to have only the worst and most violent class of convicts?—Decidedly.

610. Was there not something in Barber's demeanour and general habits very different from the general class of convicts who were sent to Norfolk Island?—There were about twelve hundred or fourteen hundred just the same as he was. When I went out, there were about, I think, five hundred penal convicts; the number was increased afterwards to seven hundred; but the convicts from England were never mixed with those, more than we could help, and never were put in the same station or the same wards.

611. Do I understand that you had two classes of convicts, one the class to which I have adverted, as being the worst and most obstreperous, who were sent as such from the neighbouring penal colonies, and another class who were sent direct from England, who were generally supposed to be convicts not of that class?—Yes.

612. That is the distinction, is it?—Yes. I had not the same power over convicts from England that I had over the penal convicts.

 613. But

Major-Gen. *Joseph Childs.*

6 July 1858.

613. But you had the same regulations for the two classes of convicts, had you not?—Not after the island was transferred to the government of Van Diemen's Land.

614. Mr. *Bright.*] When a ship arrives with convicts, have you a list of all?—Yes, from the Secretary of State.

615. Had you opposite to the names in that list any observations?—In some cases; there is placed what their crime is, and the time they are to be on the island.

616. When the "Agincourt" arrived, and you received what we may call that unhappy bill of lading, in which you found Barber's name, was there any observation opposite to it?—I do not recollect that there was.

617. Had you received, or did you understand, that you had any instructions from home in any way referring to Barber?—Certainly not.

618. Whatever treatment he received, either from yourself or others, did not arise from any instructions from this country?—Certainly not.

619. Mr. *Milner Gibson.*] At the end of the time during which Barber was employed in the cleaning of the wards, where these 200 convicts were, he was sent to work in the field in one of the heaviest gangs, was he not?—I am not quite aware that it was one of the heaviest gangs; the gangs were not very heavy, either of them; they talk of its being heavy, but it was not. He was sent there in consequence of the letters.

620. At the close of that period, after the six months' cleaning of the wards had expired, you sent Barber to work in one of the heaviest of the field gangs?—I am not quite prepared to say it was one of the heaviest of the gangs; it may have been; I do not recollect that one gang was heavier than another.

621. Sir *John Trollope.*] What was the number of hours these gangs had to work in the field?—They were all worked alike.

622. The gang Barber was in, how many hours had they to work?—They would go out at six o'clock, come in to breakfast, and go out again till 12, when they came in to dinner, and worked till six o'clock again.

623. From six o'clock to six o'clock, with intervening hours for meals?—Sometimes not so early as six.

624. How many hours' cessation from labour were allowed for meals?—Generally an hour for breakfast, and from an hour to an hour and a half for dinner.

625. What was the kind of labour they had?—Hoeing maize; Indian corn.

626. What was the temperature of the island at the time that field labour went on?—It was not very hot.

627. What was the thermometer?—75° to 80°.

628. Not higher than the temperature of this country?—Not very much; I never heard it complained of; it is not like the West Indies or South America.

629. Mr. *Bright.*] Do I understand you that Barber was not punished for having written a letter to that man?—Certainly not; it was in consequence of Sir Eardley Wilmot suspending a magistrate, and rebuking me that those things should take place on the island.

630. Was that in consequence of that letter having been written?—It was in consequence of that correspondence having gone to Van Diemen's Land.

631. Mr. *Wilson.*] Was it in consequence of instructions you received from Van Diemen's Land?—No; it was that he should not carry on the same correspondence with M'Callum again.

632. Mr. *Milner Gibson.*] Was not the labour he was employed upon much more severe to a man who had not been trained to hard physical labour in his youth, than it would be to a labouring man who had been always accustomed to field labour?—No doubt; but he could not do so much; Mr. Robertson, the superintendent of agriculture, would see that they did their work, I dare say.

633. He had a felon for his overseer, had he not; a man named Lane?—He may have had.

634. And at the same time persons who had arrived in the island more recently than Barber had obtained employment as clerks, schoolmasters and light occupations of that kind, had they not?—I am not aware that they had.

635. Would it not have been a much easier and a much more natural employment for Barber, after having served his 16 months in the wards, to have put him to be a schoolmaster, or a clerk, than to have put him to that hard work in the fields?—Perhaps it might have been so if he had continued to act as he had done; but, you know, that correspondence prevented it.

Major-Gen. *Joseph Childs.*

6 July 1858.

636. Mr. *Yorke.*] Do you recollect Lieutenant Butler being the lieutenant of the station?—Yes.

637. Do you recollect Lieutenant Butler applying to you on behalf of Barber, to fulfil the office and perform the duties of chapel clerk and schoolmaster?—It is possible; I do not recollect it.

638. Do you recollect any application by Superintendent Butler to you for lighter duties on the part of Barber?—There were several applied for it; Lieutenant Butler may have asked, but I do not recollect it.

639. Do you recollect such a statement as this being made at the time of that application: "Lieutenant Butler informed me he had applied; that Major Childs had refused; and that he assigned as a reason that Barber was a public character, who had been talked of in the newspapers"?—I do not recollect having made such a remark.

640. Let me call your attention to question and answer 179 (*the question and answer were read to the Witness*); I now ask you whether that statement is true or whether it is not?—I have no recollection of it.

641. Mr. *Bright.*] You spoke of a letter which Barber had written to M'Callum?—Yes.

642. You said you had had that letter read to you?—Yes.

643. Do you know whether the whole of it was read to you?—I am not quite certain, but I think so.

644. Are you aware of the fact that Mr. Barber obtained from those who were convicted with him a statement of his innocence whilst he was in the island?—From the people who went out with him?

645. Yes?—I am not aware of that; there was a communication made by some of the officers of the island to Hobart Town, without my knowledge; a sort of memorial or certificate, or something of that kind, by Mr. Commissary-general Smith and some two or three other officers.

646. Have you a clear recollection of the contents of the letter to which you have referred?—The impression on my mind is, that he volunteered to send letters for that man to England.

647. Was M'Callum a clerk?—Yes.

648. Did that letter request M'Callum to make copies of certain documents which Mr. Barber had sent him?—I have no recollection of that.

649. Do you recollect nothing in the letter, but that he could send letters home for convicts?—How comfortable he was at Mr. Rogers' table, and that he could send letters for him to England without the supervision of the authorities.

650. Mr. *Hardy.*] Have you got possession of that letter?—I think it was in Mr. Barrow's hands; it was in Norfolk Island at the time I left.

651. Mr. *Bright.*] Did it state that Barber had opportunities generally for forwarding letters for convicts, or, in that particular case, as he was writing to M'Callum and had to send to England, he could send anything for M'Callum?—As well as I could recollect it was in this way, stating how comfortable he was, and that he could send letters for M'Callum to England without the supervision of the authorities.

652. The other portions of the letter you have no recollection of?—No, I have not.

653. Was it often represented to you, or more than once, by Dr. Graham, that Barber's occupation was injurious to his health?—I have stated before that I do not recollect that he did.

654. You do not recollect that he ever made that statement?—No.

655. Did you ever find Barber employed at stone-breaking?—It is very possible I might.

656. But as a lighter and more healthful employment, prescribed for him by Dr. Graham?—I have no recollection of it.

657. Have you any recollection that Dr. Graham, on finding Barber employed in a manner which he thought injurious to his health, entered in the visitors' book at Longridge a strong protest against it?—I have already said I do not recollect that.

658. Do you recollect any occasions on which the recommendations of Dr. Graham in reference to other prisoners had been disregarded?—I always regarded his opinion, to the best of my recollection, on every occasion, unless there was something very extravagant in it; for instance, as regards that man Fletcher,

Major-Gen. *Joseph Childs.*

6 July 1858.

I was obliged to act upon it; I had no alternative; the same with a man when he was under punishment; the man could only have the punishment which the doctor would say was sufficient.

659. Did Barber, before his removal from Cascades, petition or send in a request in some form, that he should not be sent back to Longridge, representing that his life would be in danger there from the friends of two murderers who were named (a man of the name of Edwards, and another of the name of M'Cann) against whom Barber had given evidence; do you recollect him making that application to you?—I am trying to recollect the men Edwards and M'Cann.

660. I want you to recollect the application?—One thing would recal the other. No, I do not recollect it.

661. Do you believe that Barber did not so petition or request you not to send him there?—I do not say he did not. I have no right to doubt his word any more than any other convict's; but I do not recollect it.

662. Mr. *Milner Gibson.*] It sometimes happened that convicts were convicted of crimes committed after their arrival in the settlement, did it not?—Frequently.

663. Was it the case, that any of those who had committed crimes in the settlement subsequent to their arrival were employed in the duties of schoolmaster's clerks, and the like, which were refused to Mr. Barber?—I have no recollection of it.

664. Can you say that it was not so; that no such persons were so employed?—I will not say it was not so.

665. Mr. *Bright.*] Did you know Mr. Price, who succeeded you?—Yes.

666. Did you know the Rev. Mr. Naylor?—Yes.

667. What was his position?—He was senior chaplain.

668. Had he any opportunities of knowing Mr. Barber when he was there?—He was the first man who applied for Barber after his arrival.

669. He had opportunities of seeing Mr. Barber's conduct there?—Yes, because he was chaplain and a magistrate whilst Mr. Barber was there.

670. Did you know Mr. Gilbert Robertson?—Yes.

671. What was he?—Superintendent of agriculture.

672. He was a gentleman, then; he was not one of the unfortunate residents of the island?—No.

673. Did you know Mr. Henry Wade?—Yes.

674. What was he?—He was assistant to Mr. Robertson,

675. Did you know Mr. George Horne?—Is that the commissary? I do not recollect his name; there was a commissary who came after Mr. Smith.

676. Did you know the Rev. Mr. Elliot?—I think I do; he was there a very little time before I came away.

677. And the Rev. Mr. Rogers?—Yes.

678. Did you know the Rev. Mr. Ison?—Yes.

679. Lieutenant Lloyd; did you know him?—Yes.

680. And Lieutenant Butler?—Yes.

681. Speaking generally of those gentlemen, they are respectable gentlemen, whose statements may be relied upon?—They hold situations on the island, as superintendents of stations.

682. And ministers of religion?—Yes; and medical men.

683. Mr. *Yorke.*] Will you look again at question and answer 179. Your attention has already been called to that; it refers especially to the matter of stone-breaking?—I have already answered that.

684. Will you be good enough just to look at that carefully; you will observe there is a conversation stated to have taken place between you and Mr. Barber, on this very subject: "Major Childs came up to me, and said, 'What do you do here?' I said, 'Sir, I am ordered to break stones by the medical superintendent.' He said, 'I will not have that;' and he went up to the station, and gave his orders that I should immediately go back to the ward. He came in, and said, 'What is your objection to cleaning the ward?' I said, 'I have made no objection; I do it. I get ill; I go to the hospital, and come back again. I have made no objection.' He said, 'How does it injure your health?' I observed that it was the most loathsome and disgusting thing that could be, and where harder work would be cheerfully performed in place of a task so nauseous and humiliating. He laughed, and asked, 'How does it injure your health?' I said, 'Independently

Major-Gen. *Joseph Childs.*

6 July 1858.

'Independently of the exhalations, from the commencement I have got wet feet every morning, from going out in the heavy dew.' He said, 'Then put your shoes on.' I said, 'That is of no use, they will soon get filled with water.' 'Then take them off.' With that he made a loud laugh, and strolled away;" was that so?—I do not recollect the circumstance at all. It is very possible that Mr. Barber, who kept a diary of everything he did and everything I said to him, may recollect those things. It is possible those things may have occurred; I do not think I laughed at any man's misery.

685. May I ask how many years ago is it since these things took place?—About 12 years, I think.

686. In a matter so particular as that, and connected with a man so notorious as Barber was at that time, are you prepared to say that that conversation did not take place?—I will not undertake to say it did not take place. I am sure I did not laugh in that way. It is not in my nature to laugh at a man's misery; I never did so.

687. If you are quite certain as to the laughing, are you not able to speak more accurately as to the conversation?—I do not recollect it.

688. Mr. *Collier.*] I understand you to say there was no necessity for employing Mr. Barber as a wardsman, because you had plenty of volunteers for that duty; now, that being so, will you just try to recollect whether on any occasion when he was breaking stones, you sent him back from stone-breaking to take charge of the wards again: do you recollect whether or not that took place?—I do not recollect it.

689. I will try to refresh your memory about it; in the first place, do you recollect whether you ever saw Barber breaking stones at all: have you any recollection either one way or another?—I have not, it is very probable. It was a very common thing that they were sent to stone-breaking.

690. You have no recollection whether or not Dr. Graham ordered him to stone-breaking as a relief from the wardship?—I have not.

691. You have read the particulars and details of that conversation which is said to have taken place between you; does it not recal anything to your memory?—No. I am quite satisfied I never laughed.

692. That recals nothing to your memory?—No.

693. With exception of the laughter, it may all have taken place?—It is possible.

694. Mr. *Brady.*] You say Mr. Naylor was a magistrate in the island?—Yes.

695. And a man of very high character?—Certainly.

696. Then I will read to you a statement made by that gentleman, and will ask you what you think of it: "I deeply lament his truly wretched condition here, and would gladly have seen it ameliorated. I have never known a prisoner of the Crown who has been subjected to greater wretchedness. I rejoice to be able to add, I have never seen an instance of more dignified suffering, accompanied by invariably consistent conduct. It will afford me real pleasure to continue his acquaintance under happier circumstances." Then in another letter, he says: "I shall never remember without shame and horror the wantonness of the insults and the refinements of cruelty practised towards him at Norfolk Island, from the worst possible motives. I must add, that his manly endurance of the enormities excited my admiration and esteem for him. Never did any appeal with more justice to the community for assistance?"—Yes.

697. Now what is your opinion of that?—I dare say Mr. Naylor meant all he says there; I have no doubt he did, because he was the man who first sent a memorial to Sir Eardley Wilmot, without my knowledge. They had a committee on Mr. Barber's case, Mr. Naylor, Mr. Commissary-general Smith, and two or three other officers; they met and took his case into consideration, and Sir Eardley Wilmot got hold of it; how, I do not know; of course Mr. Naylor was interested in the case before Barber came there.

698. Were you annoyed at his having done so?—No; I was a little annoyed, and I so expressed myself to Mr. Smith, that those things should have been done without my knowledge. I had a severe rebuke from Sir Eardley Wilmot on that account, that the thing should have come off the island without my knowing it.

699. Mr. *Bright.*] Was it the fact that Mr. Naylor, Mr. Smith and two or three other officers were so much satisfied of Barber's innocence, and their sympathy

Major-Gen. *Joseph Childs.*

6 July 1858.

was so much excited, that they undertook to forward steps necessary to procure his release?—Something of that sort.

700. Mr. *Arthur Mills.*] Were Mr. Rogers and Dr. Graham members of that body who were taking an interest in the case?—No, I do not think Mr. Rogers had arrived at that time; I am not quite certain. I know there was a lieutenant of one of the regiments there along with Mr. Smith and Mr. Naylor; I do not recollect the others; I do not know that I ever heard their names.

701. Sir *John Trollope.*] Was any report of these proceedings made to you, as commandant?—Not until I heard of them from Sir Eardley Wilmot.

702. Did you get a copy of the memorial in writing?—No, I never saw it.

703. Then you do not know the grounds at which they came to their conclusions?—I have understood it was because they considered he was innocent of the crime he was sent there for.

704. For what purpose was it sent to you by Sir Eardley Wilmot?—As a reprimand, as it came from the island without my knowing it.

705. A reprimand, to whom?—To me.

706. Did you forward the document?—No.

707. It was forwarded without your knowledge?—Yes, quite so.

708. Then why were you reprimanded?—Because nothing should have gone off the island without my knowledge.

709. Had you the means of stopping communications from your officers?—Yes, to a certain extent; the post office was in my house.

710. You did not open the officers' letters?—No.

711. Had you any power to do so?—I dare say I had, if I chose to do it.

712. Mr. *Arthur Mills.*] Am I right in supposing that those representations emanated from a considerable number of officers on the island?—From three or four

713. Do I understand you to say, at different times, representations had been made to you by Dr. Graham, Mr. Naylor and Mr. Rogers, with reference to Barber, with a view to a mitigation of his treatment?—No.

714. What was the nature of that application?—There was a gentleman coming up from Van Diemen's Land to try some prisoners on the island, Mr. Fielding Browne, the judge; he had an audience with Barber, and Barber or his friends wrote a memorial, which the judge, Mr. Fielding Browne, took to Van Diemen's Land with him, and I presume gave to Sir Eardley Wilmot, and it was forwarded to Sir James Graham, the Secretary of State, and the answer to that memorial was, that he saw no reason to alter his opinion, or to advise the Queen to pardon Barber.

715. Mr. *Adams.*] Are we to understand that you were reprimanded because some of your officers chose to send a memorial to the Secretary of State?—Perhaps reprimanded would be too strong a term; a rebuke.

716. Found fault with?—Yes.

717. Was the step for which you were rebuked or found fault with, that some of your officers had forwarded a memorial or some document for the consideration of the Governor?—I do not know whose consideration it was for.

718. To whom was it forwarded?—I do not know whether it was to the Governor, or to go to England; I never saw the paper at all.

719. You received a rebuke from the Governor, for what?—That such a document should have left the island without my knowledge.

720. When first did you see or hear the letter, a part of which was read just now by the Honourable Member?—I do not know that I ever saw or heard of it before.

721. Is this the first time you have heard that Mr. Naylor had arrived at the conclusions, and made the strong observations which are contained in that letter?—I have never seen it before.

722. What do you say to it now; apparently it does not proceed altogether from the assumption of Barber's innocence, but it goes on to describe some portion of his treatment as being a refinement of cruelty; do you admit that it was so?—I do not believe that it was so; Mr. Naylor himself, I have no doubt, believed it.

723. Having heard the charge, you deny it?—In point of cruelty. I deny it *in toto.*

724. Was Barber treated with cruelty in any respect, except in compliance with the ordinary rules?—No; not more than any other man.

725. Were

Major-Gen. *Joseph Childs.*

6 July 1858.

725. Were any special instructions given to you with reference to his treatment?—None whatever.

726. Or with your knowledge to any one else?—No.

727. To your knowledge did any other person in authority in the island treat Barber with more severity, or in any way contrary to the rules?—I am not aware of it.

728. I am not confining the question to your own personal instructions; I ask within your own knowledge?—I have no knowledge of any such case.

729. Mr. *Arthur Mills.*] Have you any recollection of any case of a convict, with respect to whose treatment you had received representations from the chaplain and medical officers, of the nature which you appear to have received in reference to Barber; were the officers of the island in the habit of making representations of that kind to you with respect to the treatment of convicts?—Sometimes.

730. Mr. *Bright.*] With reference to letters and the post-office; were any letters, addressed by officers in the island to persons in authority in this country, stopped at your post-office?—No.

731. Do you recollect hearing of a letter from the Rev. Mr. Naylor to a minister of state in this country, which never reached that minister of state?—It was never stopped at my post-office.

732. You do not know whether it was stopped anywhere else?—I do not know what took place in Van Diemen's Land.

733. You do not know whether it was stopped or not?—No.

734. Mr. *Wilson.*] Do you know what was the rule of Norfolk Island, with respect to forwarding communications with reference to prisoners to the Governor of Van Diemen's Land?—They ought to have gone through me; the usual way is to forward the letter through the superintendent of the station.

735. Was it supposed that you were cognisant of the contents of the communication, or were you merely the medium of forwarding it?—If there was nothing in it that was objected to on the part of the superintendent of the station it was forwarded; if there was anything objectionable it was brought to me; I do not recollect ever stopping one.

736. Then the superintendent of the station was responsible for the letters which he forwarded to you, and you, on his responsibility, forwarded them to their destination?—Yes.

737. That applies to letters of convicts?—Yes.

738. With reference to communications from your subordinate officers in the island; if your subordinate officers in the island wished to make a communication to Van Diemen's Land, was it the rule that those communications should pass through your hands?—No.

739. They were authorised to communicate direct with the Governor, were they?—No doubt they did so.

740. Are you aware what the rule is in the colonies with reference to communications on public matters, being forwarded either to the Colonial Office or the Secretary of State?—I am not aware of any rule contrary to their being forwarded.

741. You are not aware that it is the rule to forward communications on public matters, or the conduct of public men, through the governor of the colony, if they are coming home to the Secretary of State, or to the Colonial Office?—Yes, I am aware of that.

742. That is the rule?—Yes; if I had had anything to communicate, my report would have been to Sir Eardley Wilmot, or through him to the Home Secretary; all my reports would have been in that way.

743. As commandant of Norfolk Island, if you had wished to make a representation to the Secretary of State, or the Colonial Office, you would have considered it your duty to forward that communication to Sir Eardley Wilmot, your superior officer?—Yes, if it had concerned any public matter.

744. Or the conduct of any public officer, or the policy of the island?—Yes.

745. You did not consider yourself at liberty to communicate direct to the Home Office?—I did not.

746. That was the rule there?—That was the rule I acted upon.

747. Can you tell us the date when the reprimand or rebuke of Sir Eardley Wilmot came to you, with reference to communications which had come from the island without your knowledge?—I think it must have been some time in 1845.

Major-Gen. *Joseph Childs.*

6 July 1858.

748. Supposing you had any ground of complaint against your superior officer, Sir Eardley Wilmot, should you have felt justified in making that complaint direct to the Secretary of State, or the Colonial Office?—I should say not.

749. You would have considered it was your duty to send that communication through the Governor himself?—Yes.

750. Mr. *Arthur Mills.*] Were you removeable yourself by the Governor of Van Diemen's Land, without reference home?—Yes.

751. Had he any power of removing you without consulting the home authorities?—Yes.

752. Mr. *Adams*] What means had you of ascertaining what was the character of the correspondence; how did you know whether it related to public matters, the affairs of the colony, or whether it related merely to the private affairs of the officers writing?—In that case they wrote on behalf of Barber.

753. How could you know that from the mere inspection of the outside of the letter?—I could not tell; I had no means of ascertaining the character of the correspondenee; if an officer writes a letter of that kind he is answerable to his superior officer.

754. The post-office was at your official residence?—Yes.

755. Then, were the letters forwarded from the post-office without reference to you at all?—Yes; all letters except convict letters.

756. Then an officer's letter would be forwarded by the postmaster without being submitted to you in any way?—Yes.

757. And forwarded by him to what place?—To Hobart Town, Van Diemen's Land.

758. Not direct to London?—No.

759. Mr. *Wilson.*] Can you tell the Committee to whom that representation of the small committee of your subordinate officers was directed?—No, I cannot.

760. You do not know whether it was directed to Sir Eardley Wilmot?—I do not know whether it was or was not.

761. You do not know whether it was directed to him or to be sent home to England?—I do not know at all.

762. All you know is, that such a representation had fallen into the hands of Sir Eardley Wilmot, and that he rebuked you for letting it leave the island?—Yes.

763. Did you, in consequence of that, take any notice of Sir Eardley Wilmot's rebuke to the officers who had thus been guilty of an irregularity?—I may have mentioned it to them; not to reprimand them for doing so; I had no power to do that.

764. What reply did you make to Sir Eardley Wilmot on receipt of his rebuke to you?—That I knew nothing about the matter; I never saw the document.

765. Do you know what the nature of the document was?—I do not; only from subsequent report, and so far as that it stated they considered that Barber was innocent of the crime for which he was sent there.

766. You understood, generally, that it was an application on behalf of Barber?—Something of that sort.

767. Mr. *Hardy.*] In due course, if that was sent by any subordinate officer, it ought to have come through you?—Yes.

768. And that was what Sir Eardley Wilmot found fault with?—Yes.

769. Mr. *Wilson.*] Did those subordinate officers ever make an united representation to you?—No.

770. That communication which was read just now, signed by Mr. Naylor, is dated 3rd September 1845; you say that rebuke came to you in 1846?—It might have been in 1845: I should not like to say positively; I think Barber came there in 1844.

771. You say it might have been in 1845 or 1846?—Yes.

772. That document was dated 3d September 1845, and it appears to be a further statement of the Rev. Mr. Naylor in reference to Barber, and it also appears to be of the character of one of the documents to which you have adverted; was any such representation made to you by those officers on the island, or any like it, as was contained in that representation which appears to have been forwarded at that time?—Not before it was forwarded, there was not.

773. You had certain extracts read to you just now: was any representation similar

similar to that made to you on the island, either before or after, by Mr. Naylor?—I am not aware of it; I do not think there was.

774. Mr. *Yorke.*] You state the whole administration of the Post-office was in your hands?—It was at my official residence. There was a person appointed to make up the bags.

775. That is simply an officer in a very subordinate character?—It was generally done by the magistrates' clerk.

776. You stated to an Honourable Member just now, that communications relating to the public policy, or the public administration of the island, were forwarded to the Governor at Hobart Town?—Yes.

777. In that case, who was the party to distinguish between the communications which related to the public policy, or the public administration of the island, and those which did not, so as to enable you to make the distinction, to stop the one and forward the other?—I could not make the distinction, so as to stop any, except convicts' letters.

778. Then, taking that to be the case, you were most improperly censured for forwarding that which you had no power to stop?—Quite so; but then I suppose it may have been that the Governor thought my officers ought to have known better than to have done so.

779. In what mode do the officers gain that information which is necessary to withhold one class of letters, and forward another class?—Because there is a standing order that no convict is to write any letter without its being inspected by an officer.

780. That is the only ground for doing so?—Yes.

781. But with reference to the distinction you spoke of, how is either the character of the correspondence, or the persons from whom they come, ascertainable?—There is no possibility of ascertaining it.

782. Then you must send all letters?—Of course the convicts' letters come in separately.

783. Then what is the use of the discretionary power which is given to you, to withhold one class, and forward another?—The convicts' letters are all open.

784. And the others are sealed?—Yes.

785. Mr. *Brady.*] Do you recollect having a convict on the island, of the name of Augustus Dalmas?—Yes, I do.

786. What was the crime he was convicted of?—I have almost forgotten, but I think it was murder.

787. Was he not twice convicted?—I do not recollect.

788. Are you aware he got employment during the time of your being civil commandant of the island?—I am.

789. What was his position? Was it not better than Mr. Barber's?—I do not know that his position was better, he was a very useful man; he was a great chemist, and the superintendent of agriculture found him very useful. There is a great deal of New Zealand flax grown in the island, of which they manufacture ropes, and it is used for tanning leather and other things for the use of the colony. They were able to do that through the assistance of Dalmas. He was a very useful man to the superintendent of agriculture: so he said.

790. In your opinion, he was a man who should have been employed in that way in preference to a man of the name of Barber?—Yes; because Mr. Barber knew nothing about those matters.

791. There were other occupations that Barber might have been employed in?—Yes.

792. You told the Committee some time ago, that no man was employed in that way who had not a good character?—I do not know that he was employed in a different way. He slept in the convict-ward the same as the others did. He was put to agricultural employment, and was under the superintendent of agriculture. I do not think he was better off.

793. Have you ever heard of the pamphlet published by Mr. Barber, as a vindication of his innocence?—I think I have.

794. Had you ever the curiosity to read it?—No.

795. You have never had the curiosity to read it?—I did not read it.

796. Nor any portion of it?—I lost it.

797. Were you not informed by some friends of yours, that certain accusations were

Major-Gen. *Joseph Childs.*

6 July 1858.

were made against you in that pamphlet?—I had heard I was accused of treating Mr. Barber with cruelty.

798. Did you not read it to see whether those accusations were correct or incorrect?—I never considered them correct; I never was cruel to him in my life.

799. Did you never read any one of those accusations?—I read part of the pamphlet; I have never read it all.

800. I understood you to say you had not read it?—I said I had lost it.

801. You did not read it?—I did not read it all.

802. Did you read the substance of the accusations against yourself?—I did not consider I was accused at all.

803. Did you not read the substance of those accusations which were made against you by Mr. Barber?—Not the whole of it.

804. You did read part of it?—I read part of it; I could not send to Norfolk Island for the papers which would have shown how he was disposed of.

805. Were you aware there was a report signed by Mr. Smith and Mr. Naylor sent through your post office, as civil commandant, to the Lieutenant-governor at Hobart Town?—Of course it must have been sent, but I did not know of it.

806. You were not aware of it?—No.

807. Now you told the Committee that Mr. Robertson was the agricultural superintendent of the island?—The superintendent of agriculture.

808. A man of high character?—I do not know about that.

809. A respectable man?—He was sent up from Van Diemen's Land; I always thought him an honest trustworthy man.

810. And a man of science, of course?—He was a very good farmer, I believe.

811. And an educated man?—He was from Scotland, I believe, originally.

812. Now I will read to you what he has written relative to the treatment Mr. Barber received in the island: "I have observed Barber's conduct in the most trying and humiliating circumstances, of what I am convinced (without any reference to the question of his innocence of the offence of which he stands convicted) was unmerited suffering; and, while I deeply pitied this man, I could but admire his submissive demeanour, patient resignation and invariable rectitude of conduct; whilst his health was visibly suffering, and his frame wasting away under the mental torture inflicted upon him by the degrading and polluting association into which he was forced and the unmerited and unaccountable persecution of which he was the object for many months, by which the suffering inseparable from his unhappy condition was deeply aggravated beyond that of even the worst conducted convict, while his enemies could not produce even a colourable charge against him." What have you to say in answer to that?—I never persecuted him.

813. Is that statement correct or incorrect?—He was employed under Mr. Robertson; he was the cruel man, if any one was.

814. Mr. *Bright.*] You would say that Mr. Robertson had a fair opportunity of judging of the manner in which Barber was treated?—I should think he had.

815. Who was Mr. Rogers?—A clergyman.

816. You knew him?—Yes.

817. Did he succeed Mr. Naylor?—No; they were both on the island together.

818. Was he a magistrate as well as a clergyman?—Yes; his commission was taken from him.

819. Had Mr. Rogers much intercourse with Barber; did he see him frequently?—I think he was moved to Longridge in the first place on account of Mr. Rogers, because Mr. Rogers was then doing the duty of chaplain at Longridge.

820. Are you aware that Mr. Rogers has expressed these opinions with regard to Mr. Barber; "I regret to say that the course pursued towards Mr. Barber on the part of the chief officer of the island was one of the most galling severity. He (Barber) was restricted to the barrack-yard, while hundreds of the vilest desperadoes might roam from station to station under cover of a 'pass;' he was singled out for special contumely; he was addressed in the most exasperating language; he was ordered to perform the most loathsome labour; he was deprived of indulgence granted him by the medical officer for the recovery of his health; he was the only prisoner interdicted writing materials; he wished to be useful, but for 19 months he was perversely refused the opportunity of being so. In short, his life was reduced to a wearisome condition of mental torture, and

and of physical toil disproportioned to his strength, and which his former habits rendered peculiarly grievous. Yet I can with all truth affirm that I never knew his self-command overcome by provocation, however gross, nor his sense of injustice to betray him into any unseemliness of resentment;" Mr. Rogers, having had an opportunity of seeing Mr. Barber's conduct, has written thus with regard to him?—Yes, I dare say he has; of course he has; there is his signature to it. I know nothing of it.

821. You were not conscious that Mr. Barber was treated with severity?—He never was deprived of writing materials, certainly, to my knowledge, until that correspondence was found at Mr. Rogers's house.

821. Is it possible that officers under you may have treated Mr. Barber with great severity and insult when you were not aware of it?—Certainly not; I do not believe there was such a thing on the island.

823. If he was treated with severity and insult, you are the responsible person?—Yes; when that correspondence was found and taken away by the magistrate, of course he was curtailed to a certain extent, in order that nothing should go out; he might have written then as much as he pleased, if it had come through the proper authorities.

824. Mr. *Crossley.*] You stated he was wardsman over 200 prisoners, and had to attend to the urinals, and things of that kind?—Yes.

825. I suppose you were aware that Mr. Barber was a man of education?—Yes.

826. Did it not strike you as something wrongful to place a man of education just at that particular work, which only one man in 200 had to do?—It did not; it was light work, very light work; of course it was disgusting; I do not mean to say it was not, to any man like Barber, in the way he had been brought up; but it was not hard work.

827. You are aware he had expressed to you that he would prefer even harder work to that disgusting occupation?—I do not recollect that he did.

828. Mr. *Bright.*] Was it your special direction, a thing you felt a special interest in, that Mr. Barber should do that particular work?—Not at all; he was appointed by the superintendent of the station, a Mr. Foster; I did not appoint him at all; his first place when he was on the settlement was a very easy berth; I doubt whether he had three hours' work a day.

829. What was he doing when he had only three hours' work a day; do you mean cleaning out the rooms?—Yes, there is very little work in that; the hammocks are kept scrubbed, and very often are cleaned by the men themselves.

830. Mr. *Crossley.*] You had power over those officers; if you had thought proper to have removed him you might have done so?—Certainly.

831. And you allowed him to remain there 16 months?—Yes.

832. *Chairman.*] Are there any convicts at Norfolk Island now?—No.

833. Mr. *Hardy.*] Are you in the employment of Government now?—No.

834. Have you been since you left Norfolk Island?—Not in the civil service.

835. What have you been since?—In the Queen's service, as colonel commandant of the Plymouth Division of Royal Marines Light Infantry.

836. You have not been in any official employment except that at Norfolk Island?—No, except the time I was there.

837. Sir *John Trollope.*] Are you retired on half pay?—On full pay.

838. You are not in active service?—No.

839. Mr. *Brady.*] Where is the report upon which you were dismissed from the island?—I should think in the Colonial Office; I do not know; I have always supposed so.

840. Mr. *Adams.*] On the arrival of a convict ship, does a medical examination take place of the convicts on board?—Yes.

841. You do not take it from the report of the medical officer in charge of the voyage?—The medical officer in the island takes the report of the medical officer who comes out in the ship, and also examines the convicts.

842. He inspects the convicts also?—Yes.

843. That being done, what is the next step?—Report is made by the medical officer.

844. Does he make a report to you of the state of health and bodily ability of each convict?—Yes.

845. That is reported to you?—Yes.

Major-Gen. *Joseph Childs.*

6 July 1858.

846. That report having been so made to you, how were the convicts disposed of?—According to their training; mechanics, such as carpenters and smiths, were sent to the engineer's office.

847. Who does that? who is the officer who so appropriates them?—I attend, and according as the men answer they are disposed of: for instance, all mechanics were sent to the engineer department.

848. Take the others, who were not mechanics and artisans in any way, how were they disposed of?—They were mostly appropriated to the agricultural department.

849. By whom?—By me.

850. Take Barber's own case, would it be you who would direct what would be his first employment on his arrival?—No, not his employment, but what station, what officer he should be attached to.

851. Merely what station?—Yes.

852. I understand you to say, you did not order the particular employment to which he was to be put?—I did not.

853. But merely directed under what officer he should be placed?—Yes.

854. Has the officer the sole power of directing what shall be the duties?—He generally appoints them to the work they can best perform.

855. Without reference to you?—Yes.

856. He is uncontrolled in that respect as to the particular kind of work to which the convict should be put?—Yes.

857. You have nothing whatever to do with selecting the particular task or duty?—No.

858. Mr. *Arthur Mills.*] Had you any special knowledge of Barber's case, before he arrived on the island?—Certainly not; I had never any orders or instructions about him.

859. Had you any knowledge of the circumstances of his case?—I may have read it in the newspapers, but I did not know he was coming there until he landed.

860. When he landed, did you know he was the man of whom you had read in the newspapers?—Yes.

861. Mr. *Brady.*] Did the medical officer who was in charge of the vessel in which Mr. Barber went out, give you any report as regards the conduct of Mr. Barber during the voyage?—I am not prepared to say; but it is very possible a report came up with a certain number of men, that they had conducted themselves well.

862. Did he not specially mark out Mr. Barber as having conducted himself well on board the vessel?—I do not recollect that he did, he might have done so. When you come to have 2,000 men, and to have the characters of them all, it is difficult to recollect. There were a great number of men behaved very well; there were a great number of good men on the island.

863. Can you name any one of those men who had a good character?—No, I cannot; the character is always put into the office, and filed.

864. How many convicts passed through your hands in the three years you were there?—Perhaps about 3,000

865. Mr. *Yorke.*] When first these men came on the island, after having received a medical report concerning them, you say they passed before you, for the purpose of being allocated to the different stations, according to their previous training; a carpenter goes to a particular station, a mason goes to another, and so on, is that so?—Yes, all mechanics were sent to the engineer.

866. We hear that Mr. Barber, being neither a carpenter nor a mason, nor an agriculturist, was allocated to the agricultural superintendent; what was the reason for that?—Because he was no mechanic.

867. Then every one who was not a mechanic went to the agricultural department?—If they came from England, they did; because the principal part of those on the settlement were penal convicts.

868. Is there such a close connexion between literature and agriculture, that a man like Mr. Barber should have been sent to hoe land?—Any man who is not an agriculturist may be brought to do that; he cannot be brought to be a mason or a carpenter.

869. He had applied for a clerkship, we hear?—Well, I did not give it.

870. Was there any memorandum, or note, or regulation kept of any of those things which went on in Norfolk Island?—Yes.

871. Suppose an application was made by a particular convict, with reference to

to his employment, as to his wish to be treated differently from the manner in which you first treated him; was there any note or memorandum made of such application, by whom it was made, or what was the result of it?—I am not aware there was any kept.

872. There was no memorandum of anything of that sort?—No.

873. You in fact had an absolute discretion over all the convict establishment?—Yes, under the instructions.

874. Subject to general instructions from the Home Government?—Yes.

875. Then no note or memorandum remained, provided it were necessary to be applied for in such a case as that of Barber?—No.

876. Mr. *Arthur Mills.*] Have you any recollection of any communication passing between you and the subordinate officers with reference to the kind of work Mr. Barber should be employed in previous to his first employment?—I have no recollection of any such thing till Mr. Naylor applied for him.

877. I ask whether anything passed between you and the subordinate officers with reference to the work upon which he was to be employed?—No.

878. Mr. *Yorke.*] Did the convicts pass before you when first they landed?—I saw them when they landed, but after they were inspected by the surgeon I saw them again in the barrack-yard.

879. How did they pass before you, in single file?—Yes.

880. Did you notice any of them specially?—If I saw a man with a great deal of hair on his head, I ordered it to be cut, which I dare say was a great cruelty. I should do it again if I were placed in the same situation.

881. Were any applications made to you directly by the convicts, or indirectly through any parties?—The applications generally come through the other officers; the officers used to recommend them.

882. Mr. *Massey.*] Do you happen to know whether Mr. Naylor or Mr. Rogers are in this country now?—Mr. Rogers is, I believe; Mr. Naylor is dead.

883. Mr. *Collier.*] You have been asked about the number of convicts that went through your hands, and you said some 3,000; do you know any other case of a professional man except Mr. Barber?—There was Fletcher.

884. Except those two, one a lawyer and the other a surgeon, do you know of any other professional men?—I think there were many on the island.

885. How many do you know?—Not many perhaps.

886. They were comparatively few, I suppose?—Perhaps so; there were some.

887. Your attention was called to Barber's case, you say. You read about it in the newspapers?—I read about it in the newspapers, certainly; but I had no communication with any one about it.

888. You knew of the case?—Yes.

889. It was a very peculiar case, no doubt, was it not?—I do not know.

890. Having read about that case in the newspapers, are you prepared to say you did not tell Lieutenant Butler as the reason for treating Barber as you did, that Barber was a public character, and had been talked of in the newspapers?—I have already said I do not recollect it.

891. Will you undertake to say you did not say that?—No, I will not.

892. Mr. *Adams.*] The rule in the colony appears to have been to grant the services of convicts to persons applying for them, to whom they would be most useful. Can you now assign any reason at all for your repeated refusals to allow Barber to be taken as a clerk by some of the gentlemen who applied for him?—I think it was in consequence of some communication I received from Van Diemen's Land relative to employing convicts before they had been on the island a stated time.

893. Do you mean with reference specially to Barber, or a general instruction?—General instructions.

894. Not specially with reference to Barber?—Certainly not.

895. Have you a sufficiently clear recollection of the facts, to be able to state what was your reason for refusing Mr. Naylor, Mr. Rogers, and another gentleman, I think Lieutenant Lloyd?—I do not recollect Lieutenant Lloyd applying; I recollect Mr. Naylor and Mr. Rogers.

896. Can you say when you first received that general instruction?—I had it from the Comptroller-General of Convicts at Van Diemen's Land, Mr. Forster, I think.

Major-Gen. *Joseph Childs.*

6 July 1858.

897. May I ask the date at which you received it?—It was somewhere about 1844 or 1845, I think.

898. Was it before or after any application had been made to you to have Barber assigned—It was before then.

899. Mr. *Yorke.*] What was the period which ought to have elapsed before you could have made any alteration; what period should generally elapse?—I think it was a third of the time for which the convict was to be on the island.

900. Mr. *Adams.*] A third of the sentence?—Yes.

901. Did you assign the reason you have given now, or any other reason, for your refusal to those gentlemen who applied for Barber?—I do not know that I did.

902. You did not say "it is inconsistent with the regulations," but contented yourself with giving a simple negative?—Yes, perhaps I did.

903. Can you not recollect? Mr. Rogers was a gentleman, I presume, and was in some position that would command courtesy?—Yes.

904. Now, bearing those facts in mind, and that Mr. Naylor and Mr. Rogers must both have been gentlemen, can you recollect what reason you assigned?—I recollect quite well that I refused both; whether I told them any grounds for the refusal I cannot say.

905. Have you in your own possession the official correspondence which took place while you were on the island?—No.

906. You have not copies of the correspondence or communications that came to you officially?—No, I have not.

907. Were those documents all sent on to the Colonial Office?—They were all sent to the office in Norfolk Island.

907.* And when you left there you left those papers behind you?—Yes.

908. You have no recollection with reference to Mr. Smith having applied for Barber to be appointed to the office of bag maker?—I really have not; it is very possible it might be so, but I have not a distinct recollection of it; I do not recollect that he applied for him.

909. Whose applications do you recollect?—Mr. Rogers and Mr. Naylor.

910. Those are the only ones you recollect?—Yes, I recollect those; I do not mean to say the others did not do it; I have no recollection of it.

911. You cannot give me, as I understand you, any instance in which you did assign a reason for your refusal?—No.

912. Mr. *Brady.*] Do you recollect a convict of the name of Martin Cash?—I think I do.

913. Was he employed as an overseer?—I do not recollect.

914. You recollect the man?—I recollect the name.

915. You say you cannot recollect whether he was employed as an overseer; can you say he was not employed as an overseer?—I cannot say.

916. Is this a true record of that man's case: "Martin Cash, transported twice—once for larceny, in stealing eggs and other articles; once for wilful murder, and three years to Port Arthur, for absconding; and having been so long at large, supposed to have committed numerous robberies." Now, although he had been convicted of murder, and had been a bushranger in Van Diemen's Land, that man was treated with exceeding indulgence in Norfolk Island: he was an overseer, "having nothing to do but to plait straw hats for the officers."—Yes; no doubt the record is true. As regards the plaiting of straw hats, I know nothing of it.

917. And that man was employed, while you were in the island, as an overseer?—It is very possible I may have found him so.

918. Did you know a man of the name of John Swanston?—Yes,

919. Was he employed as a clerk?—I do not think he was a clerk; he was employed by the agricultural superintendent; he was so employed before I came into the island.

920. Was it as a clerk?—As a sort of superintendent, I think.

921. Is this a true record of that man's case:—"John Swanston; transported five times, once for robbing waggon, once for obtaining money under false pretences, once for fraud, once for forgery, once for obtaining goods by false pretences; fifteen times before the Bench, twice forging and uttering notes, twice absent without leave, one false statement in writing," and a great number of other crimes?—Yes; no doubt that is true.

922. And that man was employed as a clerk under the superintendent of the agricultural

Major-Gen. *Joseph Childs.*

6 July 1858.

agricultural department?—Yes; when that man was employed, I think it was in Captain Maconochie's time. When I came into the island, I found him in that situation, under Mr. Perry, the superintendent of agriculture. When I arrived there they were all penal convicts, who had been transported half a dozen times, or something like that. Out of 550 I do not suppose there were 20 who had not been. Who was to be employed?

923. Mr. *Wilson.*] You found that man employed when you went?—Yes.

924. You said Mr. Rogers had been superseded in his office?—I said he had his commission taken from him.

925. He was a magistrate, was he?—Yes.

926. He was in the commission of the peace?—Yes.

927. Was it taken from him while you were there?—Yes; by Sir Eardley Wilmot.

928. On what ground?—Because of the correspondence which was found in his quarters.

929. Had it reference to the matter for which you yourself were censured by Sir Eardley Wilmot?—No.

930. It had reference only to the large bulk of correspondence which you spoke of, the contents of which you are not able to give the Committee?—

931. Mr. *Adams.*] As to the regulation that convicts, when not reported sick, were not to be assigned to persons applying for him under the circumstances you have described with reference to Barber; was that regulation always adhered to?—No, because in some cases it could not be.

932. Why not?—When I first went there, I took 300 convicts there; I was obliged to employ some of them immediately, because there was no one else to employ.

933. No one able to discharge those duties?—Yes.

934. But at the same time, or about the same time that you refused the applications with reference to Barber, was that regulation adhered to in all cases with reference to others similarly circumstanced?—In most cases I should think it was.

935. But was it in all?—I will not say all.

936. Supposing there to have been departures from the rule, can you assign any reason why in the case of Barber the rule was adhered to, when in other cases it seems to have been departed from?—I can only say I adhered to the rules in each other.

937. You have no reason to give?—I adhered to the rule.

938. I am asking for my own information, why you departed from the rule in other cases, and adhered to it in this?—I had no reason in that case more than others.

939. Mr. *Massey.*] When you departed from the rules, did you report the fact to your superior officer, the Governor of Van Dieman's Land?—No.

940. Mr. *Cobbett.*] In answer to a question by an Honourable Member, you said just now you had read a report of the trial of Barber in the newspapers?—I said I had heard it or some part of it.

941. Was that before Mr. Barber had arrived in the colony, or afterwards?—Before.

942. Then you were anticipating the arrival of Barber, perhaps?—No, I was not; I did not know he was coming. All I can say is, I never used any cruelty towards him; it was by way of indulgence that he was appointed wardsman.

The Rev. *Thomas George Rogers*, called in; and Examined.

The Rev. *T. G. Rogers.*

943. Mr. *Collier.*] WE understand you were chaplain and magistrate at Norfolk Island?—Yes.

944. From sometime in 1845 to sometime in 1846, were you not?—I arrived in the beginning of August 1845, and I left in March 1847.

945. Did you succeed Mr. Naylor?—I succeeded Mr. Naylor as senior chaplain and magistrate.

946. Did you become acquainted with Barber and Fletcher in Norfolk Island?—I did.

947. You had various communications with Fletcher, I think?—Very many.

948. Did the communications with Fletcher produce an effect on your mind relative to Barber's case?—They did.

The Rev. *T. G. Rogers.*

6 July 1858.

949. What was the effect of them?—They convinced me that Mr. Barber was entirely innocent of all complicity with Fletcher; in fact Fletcher asserted positively, that he was so; moreover he stated to me, he wondered why Barber did not have a separate trial, because, if so, he said, "I could have cleared him;" he said so to me at Norfolk Island.

950. Were those statements made by Fletcher of his own accord?—Quite of his own accord.

951. Was there any communication between Fletcher and Barber at the time when Fletcher made those statements?—No; it was utterly impossible.

952. Upon that was your attention directed to Barber?—Not in consequence of that, but that was concurrent with my acquaintance and conversations with Barber.

953. Then I ask you, did your acquaintance and conversations with Barber fortify the impression you had derived from Fletcher?—Yes, entirely.

954. Upon that was your attention called to the manner in which Barber was treated?—Yes; these conversations I had with Fletcher took place when he was medical dispenser at the station of which I had charge as chaplain; he had charge of the medicine chest, and inside the dispensing room there was a small apartment fitted up for him in which he was very comfortable, where he had hospital diet, hospital bedding, and where he was separated from annoyances of every kind, having nothing whatever to do except what is done by a medical officer's assistant.

955. Now, with respect to Barber, what was his position?—He was wardsman at Longridge for several months; when I visited the station, I saw him almost every day.

956. I will ask you generally what was the nature of his employment; was it disagreeable or otherwise?—It was the most noisome and disgusting occupation that could be found on the island, that of cleaning out the night-tubs for the large ward.

957. Is it consistent with your knowledge of what went on there that it was a most coveted and desired occupation?—Certainly not.

958. According to you, it was one of the most disgusting description a man could be employed upon?—Certainly.

959. Did you observe whether it affected Barber's health?—Yes; I noticed that it weighed upon his spirits, and very much affected his health.

960. He was obliged to go into the hospital in consequence?—He was obliged to go into hospital several times in consequence of that or some other cause.

961. Do you know when Barber was subjected to that disgusting occupation several persons were employed as clerks and schoolmasters and in other ways?—Yes; I think about 20. I know the names of several; Fowler, Pellatt, Fraser, Bonsall, Radford, M'Callum, Swanston, Augustus Dalmas, and several others, whose names, without my journal, I cannot specify.

962. You said just now there were about 20, you thought?—Yes, about 20; what with the shepherds' huts and other billets there must have been 20.

963. Do you know that about that time frequent applications were made to the Commandant for similar indulgences for Barber?—Yes.

964. And were those applications granted?—They were all refused, invariably.

965. Were any grounds stated or not?—There were no grounds stated.

966. Did you yourself apply for Barber to be your servant?—I did, three times.

967. You applied to the Commandant?—I did.

968. What did he say?—He said, "No, no, I will never let Barber go to anything;" meaning he would refuse him every indulgence.

969. Was that the person who has been here to-day before us?—Yes; the gentleman who has been a witness here to-day, Major-general Childs.

970. Mr. *Wilson.*] That was in reply to applications for indulgences?—It was in reply to an application I made to have Barber as my servant.

971. Did you understand it meant that he would never let him go to any one of those positions to which he wished to go?—Certainly.

972. Mr. *Collier.*] Upon that, was another servant assigned to you?—Another servant was assigned to me the same hour.

973. Immediately after he had refused Barber?—Yes.

974. Another servant was assigned to you by Major Childs, was he?—Yes, he was assigned by Major Childs. Major Childs had to sign every order for the assignment of a servant.

975. What

The Rev *T. G. Rogers.*

6 July 1858.

975. What was that man's name?—Francis Ball.

976. Who was Ball?—I think he was an agricultural labourer; he had been tried before Serjeant Adams in London, and had been sentenced to 18 months' imprisonment; after which he had committed some other depredation, and was transported for life to Van Diemen's Land, and was sent for three years' detention to Norfolk Island.

977. He had been a twice-convicted man?—Yes.

978. How came he to be sent from Van Diemen's Land to Norfolk Ireland?—The rule was, that when prisoners were transported for life (it is according to the law of England) that such men should, in the first instance, not go to Van Diemen's Land, but to Norfolk Island, where a severer punishment would be inflicted upon them for the first three years of the sentence.

979. That would be a general regulation with respect to persons transported for life?—Yes.

980. Then this man Ball was assigned to you?—Yes.

981. Did Ball come out in the same ship with Barber?—He did.

982. Did you communicate from time to time with Dr. Graham?—Yes.

983. He was the medical superintendent of the island?—Yes; we were very intimate friends.

984. Do you know whether Dr. Graham did from time to time express an opinion that the loathsome occupation to which Barber was subjected affected his health very much?—Yes, he told me so.

985. Do you know whether he made those representations to the Commandant?—He did; I saw them in writing.

986. Was there a visitors' book kept at Longridge?—Yes; it was called the Order Book.

987. Was that known by Major Childs?—It was a book that was sent to and from the Civil Commandant's office every day; it was like the general orderly-book of a garrison.

988. Do you remember a written remonstrance of Dr. Graham's being entered in that book?—Yes, I read it.

989. What was the effect of it?—That it was of no use for him as medical officer of the island to prescribe for other convicts, if his orders as medical officer were set aside and disregarded as they had been in Barber's case.

990. Mr. *Yorke.*] May I ask whether that book applied only to medical orders, or to other orders?—To all orders.

991. Mr. *Wilson.*] That was an official entry by Dr. Graham?—Yes, an official entry.

992. Which necessarily went to the Commandant?—Inevitably; as a matter of duty; it was the bounden duty of the officer in charge of the book to lay it before the Commandant when required.

993. Then it was by way of protest on the part of Dr. Graham, his orders and instructions not having been carried out in that case?—Yes.

994. Mr. *Yorke.*] This previous remonstrances had been disregarded, and that was a final remonstrance?—Yes.

995. Mr. *Wilson.*] Was it not for Dr. Graham in that case rather to have made a representation direct to the Commandant, an official representation, than to have left it merely in an order book of that kind? Was that the usual way of communicating?—That was the proper way; in addition to which he had previously spoken to the Commandant, and made the same representation, and I am almost certain, though I will not speak decidedly, that he wrote an official letter on the subject; I am all but certain he did.

996. The strictly usual and competent mode in which he ought to have expressed his disapproval of the course pursued by the Commandant, was making that official entry in the order-book?—Certainly.

997. Mr. *Collier.*] In addition to that remonstrance of Dr. Graham, did you yourself make a remonstrance to Major Childs?—I did.

998. What was the nature of the remonstrance you made to him?—I met him one evening as I was coming out of the hospital when Barber was there, very ill with fever and diarrhœa. I said, "Major, I have seen Barber, he is very ill. Dr. Graham, you know, has ordered him to Cascade station, because it is the coldest and most healthy, and therefore agrees with him better." "Oh," he said, "Barber is always in the hospital." I said, "He is not in hospital, Major, unless

The Rev. *T. G. Rogers.*

6 July 1858.

the medical officer sends him there." "Oh," he said, "I know better than that." "Well," I said, "he will not be in hospital long, he will be yonder very shortly (pointing to the burial-ground) if you treat him in this way." "Oh," he replied, "I have nothing to do with it; I am not answerable." "Well," I said, "Major, who is answerable?" Nothing further passed on this occasion, but the next day in consequence of this representation, and my speaking so very seriously, the Major at last consented, and allowed the doctor's recommendation to be carried out, and sent Barber to Cascades.

999. Do you recollect how long that was after the remonstrance? Look at question 198, and see whether the conversation stated there is the one you refer to—(*The question and answer* 198, *are read by the Witness*)?—Yes; that, I dare say, refers to the same interview. It was to that effect; but there is a little inaccuracy in that account of the conversation; it would have been very improper language for me to have used, to say, "I will tell you who I shall hold responsible for it," because he was my superior officer.

1000. That is the substance of the conversation?—Yes.

1001. It relates to the same occasion?—Yes.

1002. Did you ever ask Major Childs whether he had any complaints to make against Barber for misconduct?—No, I never asked Major Childs.

1003. Did he ever say to you whether or not he had any complaints to make?—No, he never said anything of the sort.

1004. Did he ever say anything about the conduct of Barber generally, or not?—No; he had a sort of unintelligible antipathy to Barber, for which he could give no reason.

1005. You have spoken, from your observation, of the conduct of Major Childs to Barber; I may ask you, generally, was that a topic of observation and discussion by others, the way in which Major Childs treated Barber?—Yes; the officers talked of it very frequently.

1006. It was a matter of discussion amongst the officers?—Yes; it was a matter of public notoriety.

1007. You have given the names of some who were differently treated, was that also a subject of observation?—Certainly.

1008. Mr. *Bright.*] Major Childs told the Committee something about a correspondence in which Barber had been engaged; do you know anything about that; I think you stated some papers had been seized in your quarters?—Yes; the exact state of the case was this: when I landed at Norfolk Island, of course I went to my predecessor's, Mr. Naylor's, quarters, to take possession of them. The vessel did not sail for several days after we had landed. In the meantime he and I talked a good deal about Barber, and he handed me over some old newspapers, some fragments of writing, a copy of Barber's memorial to Sir James Graham, and two or three other papers of that sort. He said, "As you do not know Barber's case yourself (I recollected the trial, but had never taken any interest in the case) you will know all about it from these papers." I kept those papers at my quarters, and those are the papers to which Major Child refers; not any correspondence of Barber's in the island. I can say Major Childs is decidedly in error in stating that any of those were letters written by Barber on the island. I know that to be the fact.

1009. When he says amongst those papers there was a letter Barber had written to a man named M'Callum, in which he stated he was very comfortable, and that he could send letters for a convict without their going under the eye of the authorities, Major Childs is entirely mistaken: is that your belief?—I am disposed to think so.

1010. Did you ever see such a letter?—I did; I saw that letter.

1011. I mean a letter containing that?—I saw that letter or note; I have no recollection of any such assertion being contained in it.

1012. Can you tell at all what was contained in the note?—That note begged of M'Cullum, the next time he came up to Cascade, not to leave the office until he had spoken to (Barber): "Do not leave the station until you have spoken to me, I shall be glad to ask you how you are." It then went on to say something about my conduct at the station. I do not recollect anything whatever about forwarding correspondence in the note.

1013. Mr. *Hardy.*] How was that note you speak of found?—It was found on the messenger, I believe.

1014. Mr.

1014. Mr. *Wilson.*] I did not understand Major Childs to say that that letter was found amongst the other papers; I thought he separated that from the others?—Yes, I think that is so; I think it was found elsewhere.

1015. He spoke of that letter as being the reason why he found fault with Barber's conduct?—I think, in passing from the settlement station to the Cascade station the note was intercepted in the possession of the messenger, because every messenger, wherever he went on the island, being met by a policeman, who was always a convict himself, was then and there liable to be searched, and whatever was found upon him save his Government clothing was taken away, and he was liable to punishment for having it, even a pin or a needle, anything save his clothes; and I think, to the best of my recollection, that note was found upon a messenger passing between the two stations.

1016. Mr. *Milner Gibson.*] You read the note?—Yes, it was sent from Hobart Town by Sir Eardley Wilmot, for my explanation.

1017. What were the contents, according to your recollection?—The contents were only, "It is long since I have seen you, I should be glad to speak to you; I am very lonely and desolate; it would do my heart good to shake hands with you"

1018. Did he say he had an opportunity of sending letters privately to England?—I think it is most unlikely, and certainly I have no recollection of it; it would have been the most dangerous thing in the world for Barber to have put such a thing on paper, and he had common sense enough to know what the consequences would be if it was discovered.

1019. You have no recollection of seeing anything of the kind in the letter?—I have not.

1020. Why was it that Barber was interdicted the use of writing materials?—Major Childs told me it was because "he was always getting up one rubbish or another to send home to the Secretary of State," and he said "I will not have it."

1021. When was that?—About the end of 1845.

1022. Was it after you had come into possession of those documents?—It was before that.

1023. It was before that that he had been interdicted the use of writing materials?—Yes.

1024. Was he interdicted for any general reason or special reason?—No, only because he was Barber.

1025. Were writing materials allowed to be used by other convicts and persons in his situation?—Most freely.

1026. But they were interdicted in his case?—They were interdicted in his case, to my certain knowledge.

1027. And it was alleged that the reason for interdicting the use of writing materials was, because Barber used them in getting up proofs of his own innocence?—Precisely; because he was always getting up documents to send home to the Secretary of State.

1028. That is, documents bearing upon his own case?—Documents bearing on his own case.

1029. Mr. *Bright.*] Is it within your knowledge that Barber was subject to any different treatment in consequence, or was it alleged to be in consequence of the discovery of that letter?—Yes, he was removed to the Longridge station, and that always seemed to me to be one of the most dreadful things in Barber's case, because there were such risks to his life. I was present at part of Major Childs' examination; he said he had forgotten about M'Cann and Edwards being hanged; they were hanged for murder a few days after I landed on the island, and their friends were actuated by very vindictive feelings against all the witnesses whose evidence had convicted them. Barber's evidence linked those men into the affair in such a way that he was recommended afterwards for an indulgence by the Government for giving it, but it was delayed till after he had left the island. His having given evidence, however, brought upon him the odium and hatred of a great number of the men, M'Cann and Edwards' friends; and I was told in fact by one of themselves, in order that I might caution Barber how he put himself in their power. I was told, and I have every reason to believe, that if Barber went to Longridge station, the first time he came near some of those men at dinner (they have always knives at dinner) they would stab him. I suggested to Barber he should write a petition to the major immediately, when the order came for his removal. I said, "I, as a magistrate, have the privilege of

The Rev. *T. G. Rogers.*

6 July 1858.

countersigning your petition; write it instantly;" he did so; I signed that document, and forwarded it to Major Childs, stating there was the greatest danger to Barber's life if he were removed to Longridge; the removal was delayed for three hours, until the remonstrance was written; and in the teeth of that protest he was removed to Longridge station.

1030. Did you hear Major Childs say that he had no recollection of any such protest or memorial?—I did hear him say so.

1031. Have you a perfect recollection of what you have now stated?—Yes; I have a copy of the document.

1032. With reference to your own position as a magistrate, I think Major Childs stated that your commission was withdrawn?—Yes, I heard him say so.

1033. Can you explain that to the Committee?—Certainly; I was very anxious when I went there to make myself acquainted with the whole state of the island, the discipline, how it operated on the men's minds, and a variety of moral and statistical matters. Hence it was, that being a magistrate, I attended the petty sessions every time; and the other gentlemen seeing me so willing to undertake the burden, there came a good deal on my shoulders; several prisoners were tried before me for misdemeanors, robberies, and offences of different kinds, such as assaulting the constables in the gaol, and so forth; I sentenced some to a month's solitary confinement, and others were sentenced to different punishments; on everal occasions, within two or three days subsequent to my passing the sentence, I saw those very men walking on the settlement road at liberty; and on making inquiries I found they had been liberate dby order of Major Childs, without reference to me, after they had been sent to gaol under my warrant. He had authority to do so; I admit that; but he did it so frequently that at last I was disgusted, and wrote to Sir Eardley Wilmot that I would not hold the commission of the peace, and I resigned it. It is absolutely contrary to fact for Major Childs to state that my commission as a magistrate in the colony was withdrawn; I voluntarily resigned it, for those reasons now stated.

1034. Mr. *Yorke.*] Was your resignation in writing?—Yes.

1035. It was sent to Sir Eardley Wilmot?—Yes, and I received an acknowledgment of it by the next ship.

1036. Have you the acknowledgment here?—I am afraid I have not; my papers were at Brussels two days ago; my trunk has not yet arrived; but I am certain I have the document.

1037. Mr. *Adams.*] What became of those papers and documents your predecessor handed over to you?—They were seized as contraband, and were taken to the commandant's office, I think.

1038. Being in your quarters, how came they to be seized?—It was done in the most insulting way possible. A man, who had been two or three times convicted, was sent with a search-warrant by Major Childs, or under the major's authority, because it could not have been done without his authority; the search warrant was sent up by the stipendiary magistrate and the major together to search my quarters, and take away all papers which might in any way relate to Barber.

1039. What were the terms of it; do you know how the major obtained information that any such papers were to be obtained at your quarters?—He knew it from myself, many weeks before.

1040. Did the major ever make a request to you to give them up to him?—Never; that was the first intimation I had; I was sitting at my dinner, when I was told a police messenger wanted to see me at the door; when I went out, I saw Stephen Smith, with two other constables. I said, "Stephen, what is the matter with you?" "I have a search warrant, sir." "Who are you going to search for?" He said "It is to search your quarters, sir." I said, "What for?" He said, "It is about Barber." I said, "It is about Barber? What do you want?" He said, "The major knows there are some papers here belonging to Barber; he wants everything of that sort taken away."

1041. You say a search-warrant for papers?—Yes.

1042. Being a magistrate, you would ask for the warrant?—Yes; I had asked for it, and taken it in my hand.

1043. He had a warrant, directing him to search for the papers at your quarters?—It directed the bearer to search anywhere and everywhere on the Cascade station, or any other station, where there might be papers of Barber's,

or

or where it was supposed there might be papers; and as I had been so much mixed up with Barber's case, the first place they came to was my quarters.

1044. How long had you been in the discharge of your duty in that colony?—About six months at that time.

1045. What followed upon that; did you receive a communication from the Governor of Van Diemen's Land?—I wrote immediately to Sir Eardley Wilmot; I considered that it was such an unnecessary proceeding altogether, and so insulting to me, I ought to make a formal communication to the Governor of the colony, to whom both Major Childs and myself were responsible.

1046. Did you do so?—I did so.

1047. What followed upon that; what was the nature of the communication you received?—Four or five months afterwards I received a letter from the then comptrollor-general of convicts on the subject; I had written to him a private note at the same time, saying I did not wish to involve myself in any quarrel with the major; and if he thought my letter should be withdrawn, and no notice taken of it, it might be so treated. Four or five months afterwards, he wrote, saying, "I am ordered by the Lieutenant-governor to acquaint you that your charge against Major Childs has been, at your request, withdrawn."

1048. And that ended the proceedings, so far as you were concerned?—Yes.

1049. You made a charge, and no investigation took place upon it, you withdrawing your own letter?—Yes, that was the result; it took place in the way I have described.

1050. Do you remember the circumstance of Major Childs receiving a rebuke with reference to the forwarding of some paper?—I do.

1051. Had that any connexion with the papers that were seized at your house?—Not at all; they consisted of previous papers; to the best of my belief and recollection, it referred to a paper which had been sent up to Mr. Fielding Browne, who was the judge advocate of the island.

1052. Also relating to Barber's case?—Yes.

1053. Did you happen to see the special communication conveying the rebuke; was it read anywhere in public?—The major told me he had received it.

1054. Did he tell you what he was rebuked for?—It was for allowing a correspondence and memorial to leave the island. There was no convict's letter ever forwarded under any circumstances, if the Commandment of the island thought proper.

1055. Did you understand that the letter, for the forwarding of which he was rebuked, was a convict's letter, or a letter from an officer?—It was a letter from an officer, I think.

1056. Did you know enough of the regulations of the island to know it was an offence committed by Major Childs in forwarding a communication from an officer, if it was the fact that officers were entitled to have their communications forwarded?—As I understand the matter, he was not rebuked for forwarding an officer's communication, but he was rebuked for allowing an officer's communication to be forwarded independently of him.

1057. I understood the practice to be, that an officer's communication went, like any one else's communication, into the post-office, and was forwarded without any supervision by Major Childs?—I believe the fact was, that Mr. Fielding Browne, being thoroughly convinced of Barber's innocence, volunteered to take his documents to Hobart Town, and present them himself to the Governor.

1058. Then they did not go into the post-office?—No; because if they had gone into the post-office, Major Childs would not have allowed them to go any further.

1059. Mr. *Milner Gibson.*] When the person came to your quarters with the search-warrant, he proceeded to make the search, I suppose?—Yes; I said, "Come in, Stephen, search where you like."

1060. What did he take away?—He took away a copy of Barber's memorial to Sir James Graham, a copy of the original which had been transmitted to the Colonial-office; he took away a file of the Times newspaper, with an account of the trial; he took away some letters which had passed between him and his counsel at the time of the trial, and a few other letters which had remained in my possession from the time of my landing. They were transferred to me by Mr. Naylor at the time of my landing.

1061. Were they afterwards returned to Barber, or returned to anybody?—I am not aware.

The Rev. *T. G. Rogers.*

6 July 1858.

1062. Were they kept; or what became of them?—I do not know.

1063. Mr. *Wilson.*] Were they all old papers?—Yes.

1064. None of them originating in the colony, except the memorial?—None.

1065. Papers which Barber had brought from England with him?—Papers which Barber had brought from England; letters from his own private friends; not more than three or four letters.

1066. No letters having any relation to the affairs of the colony?—Not the slightest.

1067. Mr. *Hardy.*] I understand you were called upon to give an explanation of the particular note of which you spoke, with reference to M'Callum?—Yes; because it was supposed I was allowing Barber to come up to my quarters from the prisoners' barracks; it was supposed I was allowing him to come up clandestinely, and dine with me, and that note was worded in such a way (there was no distinct assertion of the fact) as to lead a careless reader to such a conclusion.

1068. Sir Eardley Wilmot called upon you to give an explanation of what was stated in that note?—He called upon me to give an explanation how I could act in a manner so derogatory to my character as an officer and a gentleman, as to allow a convict to come into my quarters and dine with me.

1069. Had you allowed him to do so?—He never came to my own table; I always took care to do no more than was winked at in the island; I allowed him to go to my kitchen and get his dinner, if it was dinner-time; I used to let him get what he could; a glass of wine, perhaps, now and then. I said to my servant, "Let Barber come in when he likes; but mind, do not get into trouble; take care of the regulations."

1070. Then nothing was done upon that letter; did you send an explanation?—I sent an explanation.

1071. Mr. *Wilson.*] The occupation of a wardsman was not an office that was sought for generally by the convicts?—It was not sought for; they preferred out-door work.

1072. It was not considered as a favour?—Certainly not.

1073. On the contrary, was it considered as a hardship?—It was considered generally the greatest hardship; any man who could get anything else to do, though heavier work, would prefer it; but when a man was ordered to do a thing at the risk of punishment, he is disposed to go to any work allotted to him.

1074. Then, as a matter of fact, though the work might be easier than the other convicts had, it was not an office which was coveted?—By no means; I do not consider it was easier; it might not be hard work in one sense; but for five or six hours every day Barber had to scrub a room seven or eight times as long as this room; there were as many as 270 men sleeping in that ward at night, and he had to sweep down all the hammocks, shake all the blankets, and to empty and scour out the night-tubs.

1075. You stated there were about 20 convicts in much easier occupations, one of which you were anxious to obtain for Barber at that time; can you inform the Committee whether all those men had been a certain time in the colony?—I do not think a single one of them had been his proper time on the island.

1076. Are you aware of any rule which existed as to the appointment of men to those light employments with reference to the period of service?—There was an existing law in the island that no man should be allowed the indulgence of a billet, except for special good conduct, unless he had been two-thirds of his time on the island; a man must have completed two-thirds of his time in the island before he was allowed to be an officer's servant.

1077. Then, in fact, the refusal to allow Barber to be your servant was strictly in accordance with the regulations of the island?—Yes.

1078. But you say a man named Ball was assigned to you immediately on the refusal to allow Barber to have your place?—Within an hour from the refusal of Barber, an order was drawn up for Ball to come to me, signed by Major Childs.

1079. And Ball had come by the same ship, and therefore had been the same time in the island?—Yes; he had come by the same ship as Barber, the Agincourt.

1080. And several of the men whose names have been repeated were similarly circumstanced; they had been the same time in the colony?—Yes; and I think there was in the service of the major a man, Webb Taylor, regularly acting as his groom

groom or kitchen servant who was thrice convicted, I am not sure he had not been four times convicted; he had been only three or four months on the island, at the same time that he was refusing Barber to me.

1081. Was there any difference with regard to those men who were called penal convicts, who had been sent from other parts of the colony, and those who came from England?—It was more difficult to get indulgence for the penal convicts than for those who came direct from England.

1082. Because the penal convicts were supposed to be more incorrigible?—Yes.

1083. When Barber was employed in that occupation as wardsman, had he any assistance?—Yes; it would be impossible for one man to do it alone. Part of the time there was a man named Wheatley, a man of gigantic stature, who had been a blacksmith, I think, in England, a great brawny man, who was as strong as two ordinary men; and that man told me one day, "I have not been at all the same man since I have been made wardsman of this place."

1084. Are you at all aware of the memorial or representation which had been got up by the officers in the island in favour of Barber?—Yes.

1085. Do you know to whom that was sent, whether to Sir Eardley Wilmot, or direct to England?—In order to secure its transmission to the Colonial Office in London, it must pass *ex officio* through the hands of Sir Eardley Wilmot. Every document must pass through the hands of the Lieutenant-governor. Three copies are always required, one for the Home Secretary, one for the Governor, and one to be recorded in the Government Office, so that there must have been three copies made of Barber's memorial.

1086. Then it was a public document, intended for the Secretary of State?—A public document, intended for the Secretary of State.

1087. And being a public document, intended for the Secretary of State, it ought to have been transmitted through the Governor?—Yes.

1088. Being a public document of that nature, ought it not also to have gone through the commandant of the island to the Governor?—It must so have gone.

1089. But it did not?—I am not certain of that.

1090. Is not that the document with regard to which a censure was passed upon Major Childs by Sir Eardley Wilmot?—I should say not; I do not think those were the documents for which Major Childs received his rebuke.

1091. With reference to those documents, I want to know whether those documents were intended to be sent to the Secretary of State in England, or only to Sir Eardley Wilmot?—Most decidedly to be transmitted through his Excellency Sir Eardley Wilmot to the Colonial Office.

1092. Those were public documents intended to pass in an official manner to the Secretary of State in England?—Yes.

1093. They went to Sir Eardley Wilmot to secure their transmission to England?—Yes.

1094. Then being official documents, ought they not to have gone through the Commandant of the island to the Governor of the colony?—I rather think that was the thing Major Childs got rebuked for, his exercising so slack a control over his officers as to allow those documents to go.

1095. When Major Childs was rebuked for that, do you remember whether he communicated with the officers on the subject?—No; I met him one day, he shrugged his shoulders, and said, "I have got a rap on the knuckles from Hobart Town for something the officers have done contrary to the public orders."

1096. Was there no censure upon the officers, only upon the Commandant?—He was instructed to intimate to all the officers on the island that if they had anything to represent in favour of the convicts it must pass through the regular channel, that is, through the Commandant's hands.

1097. Now you have spoken as to the demeanour of Major Childs in all cases where Barber's interests were implicated. Was Major Childs' conduct to the other convicts of the same description?—I never knew him to single out any man for the refusal of a billet except Barber; never.

1098. From your frequent applications to him and those of others on behalf of Barber, were you deeply impressed with the feeling that he had a personal dislike to Barber?—That was my decided impression; but he had no special

The Rev. *T. G. Rogers.*

6 July 1858.

orders with reference to Barber more than any other man, except in so far as he chose to interpret the general regulations to his disadvantage, because there was was no reason for it.

1099. Had you ever any reason for suspecting or believing there was any ground for that apparent dislike of Barber on the part of Major Childs; was there ever anything occurring which in your mind led to that?—No, it was one of those unaccountable prejudices which come over people, for which no reason can be given; and I have seen so much of men in office with reference to convicts, that I know they often conceive antipathies which they can carry out in the most annoying manner. I could never tell why Major Childs had taken up that feeling against Barber, because he was one of the most inoffensive, the most submissive, and the most quiet men that could be found.

1100. I suppose there is no question at all that Barber did disobey the regulations of the island in writing that letter?—He did not disobey the regulations.

1101. Was it within his privileges to have written the letter you say you saw?—It was not forbidden by any regulation; it was a thing a man might do, or not do; if it was found out, the officer might say, you ought not to have done this, or he might not say it. There was no special regulation I ever saw on the subject.

1102. As a magistrate in the colony, should you have said it was not an offence?—Most decidedly; if he was brought before me, I should say it was not an offence.

1103. Having the letter before you, and seeing its contents, you would say it was not an offence?—Yes; as a magistrate I should pronounce the complaint frivolous and vexatious.

1104. There was nothing in the fact of writing the letter, or in its contents, which in your mind would have justified his being sent to Longridge?—Decidedly not.

1105. Even although there had been no special danger in his going to Longridge, such as you have described?—Certainly not.

1106. You say that Major Childs took away from Barber the privilege of having writing materials, in consequence of his always getting letters to the Secretary of State in reference to his own case?—Yes; after he was removed from Cascade to Longridge. I used to form a class of as many men as chose to go into the school, for reading, writing and such things, and Barber, as well as any other man, had permission to attend that night school if he pleased, liable to this annoyance, that in passing from his barracks to the school (about as far as from one of these doors to the other) he was liable to be stopped by a policeman and searched, lest he should have anything about him.

1107. When he was deprived of writing materials, did it appear on the order that, having written that letter, he had been deprived of the privilege of having them?—No, there was no reason for depriving him of the privilege of having writing materials; there was no reason assigned.

1108. Was it that the time that letter was discovered?—It was before he was removed to Longridge station.

1109. Was that not in consequence of the discovery of the letter?—He could not forfeit his privilege by that, because he was entitled to it by the law of the island; he could demand paper by the law of the island.

1110. How long after the discovery of the letter was he interdicted from using writing materials?—Some time in the course of the following month.

1111. And there was no reason given?—No reason whatever was assigned.

1112. Was the messenger who carried the letter acting contrary to the ordinary rule?—There was no express rule against it, but it was a dangerous thing for a convict to do. It altogether rested in the mind of his officer; his officer might find fault with him for doing it, or he might not.

1113. Then you say there was no rule against one convict corresponding with another?—There has been since that.

1114. I am speaking of it at that moment?—There was no special law against it.

1115. There was no rule against one convict corresponding with another?—I never heard of it; many of them corresponded frequently.

1116. Then

1116. Then there was no rule against messengers conveying correspondence of that kind?—No.

1117. If such correspondence was discovered, you, as a magistrate, would only have judged of the correspondence according to the contents of the letter?—Yes.

1118. If the contents of the letter were perfectly innocent, you would have said it was no offence?—Yes.

1119. If it had contained anything objectionable, you would have said it was an offence?—Yes; I should have ordered the man into custody.

1120. But there was no offence in writing a letter, or conveying a letter, against any regulation at that time?—Not that I ever saw or knew of.

1121. Then having seen that letter and read it, you, as a magistrate, state there was nothing in it you would consider as an offence for one convict to write to another?—No.

1122. Mr. *Yorke.*] Was not a convict's letter perfectly well known from its being open when sent to the post-office?—Yes, they could not be sent to the post-office in the first instance; they must have been submitted to the superintendent before they were sent to the commandant.

1123. In an open state?—Yes.

1124 Was there any particular form of paper upon which they were written?—No.

1125. Was that letter you have been speaking of sealed or open?—It was in fact a small piece of paper; a margin of the Times newspaper, or some other paper.

1126. Was it sent in the usual way of convicts' letters to the post-office, or not?—No, it was sent by a messenger, who went daily from one station to another.

1127. Was that according to the rule under which the convicts were, or not?—It was a dangerous thing for a convict to do, but there was no law against it.

1128. It was an understood thing that convicts' letters were sent in a particular way to the post-office?—Yes, anything going off the island; anything upon the island was not made liable to the rule. Except amongst the clerks there was very little writing; anything written upon the island was not considered subject to the rule, I think.

1129. Sir *John Trollope.*] Do you mean to state that communications might pass between prisoners on the island free and uninterrupted, and without any supervision whatever?—No; I say the clerks at the different offices frequently sent notes or messages which were known to refer to their own feelings.

1130. I ask you with reference to convicts, could they send writings from one to another without supervision?—No, certainly not.

1131. Mr. *Yorke.*] Then I ask you again, was that letter, whether it was written on a piece of letter paper or corner of the Times newspaper, a communication such as might be sent from one convict to another, or not?—There was no law on the subject regulating the case.

1132. Mr. *Bright.*] It was not to go through the post-office?—No; he would not have been allowed to send any such letter.

1133. That letter was not intended to go into the post-office?—No.

1134. Mr. *Wilson.*] You said when a policeman met a messenger he was entitled to search him and take everything from him, whatever it was, besides his clothes?—Yes.

1135. And this man being met by the policeman, was searched, and had that letter taken from him?—Yes.

1136. Were those things taken from the man because he was supposed not to be rightly in possession of them?—He was not allowed to be in possession of a pin or needle, or the smallest particle of any property, besides his Government dress.

1137. Then he was disobeying orders in conveying that letter?—In that view of the case he certainly was.

1138. Then it was an offence against a well-known regulation of the colony that he should convey that letter?—It was allowed between the convict clerks to each other, but no other man ever dreamt of doing it.

1139. At one time you say a convict was allowed to have nothing in his possession, and then you say it was not an offence to convey this letter?—He might

The Rev. *T. G. Rogers.*

6 July 1858.

have been reprimanded; it depended upon the officer's discretion; it was just as he chose to view it.

1140. It was contrary to orders?—Yes.

1141. But you, as a magistrate, would have judged of it, not according to the standing orders, but according to the merits or demerits of the case, as it came out on investigation?—Yes.

1142. Mr. *Arthur Mills.*] Then, do I understand you, it was a frequent practice for clerks, being convicts, to write letters from one part of the island to the other, and to send them, without a magistrate necessarily taking cognizance of it, or punishing them for it?—Yes.

1143. Mr. *Yorke.*] I understand you to say, if you had been a magistrate called upon to adjudicate upon that case, you would have treated it with the utmost latitude of indulgence?—Most certainly.

1144. When you say the conduct of Major Childs towards Barber was a matter of notoriety, and frequently talked of among the officers, do you mean the Committee to understand the character of those conversations tended to show that the conduct of Major Childs was specially predetermined and purposely carried out to Barber's prejudice?—I should certainly say so.

1145. Mr. *Arthur Mills.*] Was it the usual practice in the island for a convict, who had been a man of education, in Mr. Barber's position, to be placed at the kind of work at which he was placed on his appointment as a wardsman; do you know of any other instance?—There were one or two professional men; one who had been mayor of Stockport (Winterbotham), and also a solicitor in a respectable station, and they were taken into the superintendant's office. I do not know any instance in my time, or within my knowledge, of an educated man being treated as Barber was.

1146. Do you mean there never was any man of Mr. Barber's stamp put to any such work?—I never knew or heard of it.

1147. Were you there when Mr. Barber arrived?—No; I came five months after.

1148. Mr. *Bright.*] Did you know there was a man of the name of Hugh Fraser there?—Yes; he was a solicitor.

1149. How was he treated?—He never did any work at all; Dr. Graham took him into the hospital as his medical secretary and manager of the hospital.

1150. How was Winterbotham treated?—Winterbotham was treated with very great indulgence in the engineer's department, under Colonel Hamilton.

1151. Mr. *Cobbett.*] When were those two persons there?—Contemporaneously with Barber.

1152. Sir *John Trollope.*] They were both there at one time?—Yes.

1153. Mr. *Bright.*] As regards Swanston, Major Childs stated he was in the agricultural department?—He was a clerk in the storehouse where the rations and slops were kept.

1154. Mr. *Hardy.*] With respect to the interdiction of writing materials, had all the convicts access to writing materials, without such special interdiction?—They were allowed to apply for paper.

1155. But without any special application, had they all access to writing materials—Not whenever they pleased.

1156. But whenever they chose to make a special application they could have writing materials?—Yes.

1157. As I understand, he never was interdicted from that; Barber could have had at any time, on special application, writing materials, so long as what he wrote was seen?—The case never did occur.

1158. I understood you to make an exception before; I understood you to say he had a right to demand them?—He had.

1159. Did he ever demand them?—He did.

1160. Did he receive them?—He did not.

1161. Mr. *Wilson.*] They were refused to him?—Yes, they were refused.

1162. You have stated to the Committee the relationship in which you allowed Barber to remain towards you while he was at the station where your house was; were those things perfectly consistent with the orders and regulations of the island?—Perfectly.

1163. There was nothing wrong in that?—Certainly not; my house was on the station

station in geographical strictness, and Barber could move backwards and forwards in the barrack-yard; but, in addition to that, he always had his officer's permission to come to my quarters. The Rev. *T. G. Rogers.* 6 July 1858.

1164. Because, in one of your answers, you used the word "clandestine;" his visits to your quarters were not of a clandestine character?—No.

1165. He was entitled to come to the extent he did come, and to enjoy your hospitality to the extent he did enjoy it?—Perfectly so, if I chose to give him that permission, I being chaplain, and he being an invalid.

1166. There was no rule or regulation in the service broken by so doing?—No, if he had the permission of his officer.

1167. Mr. *Arthur Mills.*] Would it have been contrary to the law of the island if you had asked Mr. Barber to dine with you?—There was no written law against it, but I should have been suspended for it.

1168. You never did so?—Never.

1169. Mr. *Adams.*] You said the clerks might correspond with one another; were they allowed to send those communications by means of messengers who were going from one station to another, or were they expected or required to pass them through the post office?—No, they were not expected or required to send them through the post office.

1170. Might they send them by a messenger?—There was no special law that I ever heard of as to that, but they knew enough of the service to know there would be considerable risk involved.

1171. I want to know whether it was or was not an offence; suppose a man had been brought before you as a magistrate, upon the charge of having given a letter, he being a convict, to a messenger, for the purpose of conveyance to another convict, would that have been an offence?—It would be an offence if the magistrate chose to consider it so; it would be in the breast of the magistrate.

1172. Do you mean that in the mind of one magistrate it would be an offence, and that another magistrate might regard it as an unobjectionable thing?—Just so.

1173. So also with regard to the messenger, who seems to have been searched to discover whether he had anything upon him; am I to understand also, that one magistrate might have held that carrying the letter was an offence on the part of the person so searched, and that another might have dealt with it as no offence at all?—Such is my decided opinion.

1174. Then you did not act under any rule or law?—There was no law meeting that particular point.

1175. You applied, as I understand you, to have Barber assigned to you?—Yes.

1176. At that time I understand he had been but a comparatively short time on the island?—No; he had been several months there, ten months.

1177. Had he at that time served the utmost period of his sentence which would have allowed him to go?—No.

1178. Then was it within your knowledge that there was such a regulation for the guidance of the officers?—Yes.

1179. But although you knew there was a regulation forbidding it to him, you did yourself, being an officer, apply for it?—Yes.

1180. You knew at the same time it was in violation of the regulation?—In strictness it was in violation of the regulation; but I knew it was perfectly in the option of the chief officer of the island to grant it or refuse it.

1181. Mr. *Collier.*] You said, that when Barber was sent to the Longridge station, the Commandant was informed that he had incurred the hostility of certain friends of M'Cann and Edwards, on account of having been a witness against them?—Yes.

1182. And the Commandant took no steps to protect him?—He did not.

1183. Do you know whether the Commandant did take steps to protect any other witness?—Yes, I know he did; he removed one witness from the possibility of exposure to assault.

John William Smith, C. B., Commissary-General, called in; and Examined.

J. W. Smith, C. B.

6 July 1858.

1184. Mr. *Collier.*] I THINK you were Assistant Commissary-general at Norfolk Island when Barber arrived there?—Yes, in 1844.

1185. Did you, in conjunction with Mr. Naylor, institute an inquiry as to the innocence of Barber?—An inquiry did take place; I did not institute it.

1186. We have the result of that embodied in a report?—Yes.

1187. Did you apply to Major Childs to allow Barber to be a clerk in the commissariat department, or to be a clerk at all?—I have an imperfect recollection of what took place then, but I may say, I certainly did apply for him in some capacity or other.

1188. In some capacity which would relieve him from hard work?—Which would relieve him from out-door work.

1189. Did you apply more than once?—I really cannot recollect.

1190. Was that application acceded to?—No, it was declined.

1191. Did Major Childs give any reason for it?—He did; he said if he made an exception in Barber's case, which was one coming prominently before the British public, it would probably get him censured for a relaxation of discipline.

1192. Do you recollect whether you applied for Barber to be a hut-keeper at any time?—I think it is very likely I may have suggested it.

1193. Or bag-maker?—I have a perfect recollection of it, now you mention the circumstance; it was as a bag-mender, I applied for him when he was refused as a clerk.

1194. As to Major Childs' conduct to Barber, are you able to judge whether it was unusually severe or not?—Major Childs acted towards Barber strictly according to the regulations of the settlement, I believe; he made no exception whatever in his case.

1195. Did he ever make exceptions in other cases?—He did.

1196. Frequently?—Several; I could point out several.

1197. Was Major Childs' conduct to Barber a subject of comment or remark, to your knowledge?—It was; it was commented upon amongst the officers; that he might without any fear of censure, or of bringing himself into any disrepute with the Government, have conceded a little in his peculiar case, considering his physical incompetency to work in the fields, or to undergo any very great hardship as a convict.

1198. In point of fact, were prisoners generally employed to do clerk's work?—They were almost invariably.

1199. Did you ever know a case of a man in Barber's position, a professional man, with his education, being employed in such menial and loathsome duties, as cleaning out the wards?—There is only one case I can recollect in any way analogous to Barber's in that respect, and that is the case of a person, whose name I forget, but who was convicted for shooting at his uncle, an incumbent in the University of Cambridge. He was employed as a wardsman.

1200. That is the only other case you recollect?—That is the only case I recollect.

1201. Mr. *Bright.*] Was that under Major Childs?—That was while Major Childs was Commandant of the island.

1202. Mr. *Wilson.*] You said Major Childs gave as a reason for refusing to allow Barber to be employed as a clerk that his case was very well known in England, and he was afraid of censure from the public authorities?—That was the reason he gave me for not acceding to my application in his favour.

1203. Did that leave an impression on your mind, that Major Childs had an apprehension that if he favoured convicts in the station and position in which Barber had been placed, he might be charged with partiality on that account, in reference to those who had not been so well-circumstanced in life?—I think that was his motive; I think it arose principally from timidity on his part.

1204. That impression was produced on your mind, and not the impression that he had any personal ill-will or dislike?—No, certainly not; I never imagined that for an instant; I think it arose almost entirely from timidity.

1205. He used the remark, that it was a case which had excited great attention in England?—He did. From the prominency of Barber's peculiar case, he was afraid, if any relaxation of discipline took place, he might be very much censured.

1206. He

1206. He conveyed the impression to your mind that it was a case that would be very narrowly watched?—Yes.

1207. Mr. *Milner Gibson.*] Do you know the circumstances of Fletcher's case; why he was treated from the commencement with so much less severity?—Fletcher was a man of 60 years of age, and, as far as I recollect, almost from his first arrival on the island he was suffering from an attack of dysentery, which necessitated his treatment in the hospital there; it was in no other way, that I am aware of, that an exception was made in his case.

1208. Then he got better?—He was merely a convalescent, he was incapable of undergoing any kind of labour.

1209. Mr. *Wilson.*] Were you one of the officers who joined in a representation on Barber's behalf?—Yes; I joined with the Rev. Mr. Naylor. Probably I may as well state to the Committee the way in which that representation originated. Mr. Naylor was the chaplain of the hospital, and was also a magistrate. He mentioned to me one day that he intended to visit Fletcher, who was exceedingly ill in the hospital. Fletcher being a man of very considerable notoriety, I felt some degree of curiosity to see him. I accordingly accompanied Mr. Naylor, and while Fletcher was lying in a very precarious state in the hospital, he voluntarily made certain statements to us which excited very great curiosity in my mind, and of course when a beginning like that took place, it was very natural we should pursue the matter a little further by some interrogatories. We did so, and the result led to the representation which I joined Mr. Naylor in signing. In fact, as far as I recollect, I drew up the greater portion of it myself, and I do not think I could enlighten the Committee more upon the subject than by referring to that representation, which was taken down from the very strong impressions imbibed at the time. There is one portion of it in particular which I may refer to, and that is with reference to the trial of Barber; Fletcher said, "If we had not been tried together, Barber must, as a matter of course, have been acquitted." He most distinctly stated that; he said, "Now that all hope on my part has vanished, I will tell you that, whether guilty or not myself, a clever counsel who might have had me under close examination as a witness, must have wrung out of me such a mass of facts as would have entirely exculpated Barber from the charge of being an accessory to the forgery."

1210. You had communications with Barber as well as with Fletcher?—Yes, several times. The first communication with Fletcher took place, as I have just mentioned, accidentally in the hospital, when he was lying on a sick bed.

1211. Mr. *Bright.*] And lying in a precarious state, you say?—Yes, so much so, that I was inclined to place very great reliance indeed on his statement.

1212. Mr. *Milner Gibson.*] He volunteered it, I suppose?—He volunteered it, in the first instance, and that led to interrogatories on the part of Mr. Naylor and myself, and the result was a very strong conviction on our minds of Barber's innocence. Barber and Fletcher were subsequently examined together on the subject.

1213. Mr. *Adams.*] Did that communication relate entirely to the innocence of Barber, of which you had then satisfied yourself, or had it any reference at all to any peculiar hardship of treatment which Barber was undergoing?—No; it referred to no hardship of treatment whatever; it was with reference simply to his first conviction.

1214. You satisfied yourself from what you had heard that he was an innocent man?—The impression was clearly to this effect, and was so strong as to the probability of his innocence, that I thought his case deserving of re-consideration, and joined Mr. Naylor in the representation to which reference has been made, in order that it might, by the proper course of communication, reach the Secretary of State.

1215. Mr. *Bright.*] Did it ever reach the Secretary of State?—I believe it did.

1216. Mr. *Wilson.*] To whom was the representation made?—The representation was made in the form of a certificate, which Mr. Naylor handed to Major Childs, with Barber's memorial, as far as my recollection serves me. If I had not supposed it would have gone through that prescribed mode of communication, I should not have been a party to it; but I believe it went with Barber's memorial to Major Childs; from thence I know it went to Sir Fardley Wilmot, for he spoke to me subsequently on the subject; and Sir Fardley Wilmot told me he had forwarded it to the Secretary of State for the Colonial Department.

J. W. Smith, C. B.

6 July 1858.

1217. Then how can you account for Major Childs having been censured for having allowed that document to leave the island?—I was not aware he ever was censured, until it was mentioned a few minutes ago. Sir Eardley Wilmot never censured him, to my knowledge. When I met Sir Eardley Wilmot afterwards, he said, "I see you have been taking a part in the case of Barber, the will forger."

1218. Sir *John Trollope.*] Did he reprove you?—No. He said, "I shall send it to the Secretary of State; he will not thank you for taking such an interest in the matter." I said, "If it has the effect of rescuing an innocent man from the horrible position in which he is placed in Norfolk Island, I do not care what the effect on myself may be."

1219. Mr. *Wilson.*] You are speaking of your representation in favour of Barber's memorial?—Yes; that is the only representation I joined in.

1220. What was the date of that?—I think it was early in 1845; I think it was January 1845.

1221. Did you not hear that other representations had been made by Mr. Naylor and others subsequent to that?—No, I did not. I never saw Mr. Naylor afterwards.

1222. Then, if it has been stated to this Committee that you had been engaged with Mr. Naylor and others in a subsequent representation, which was conveyed by Mr. Fielding Browne from the island to Van Diemen's Land; that is not correct?—It could not be correct, so far as I am concerned. I was not on the island then.

1223. You never heard of such a thing?—I never heard of it.

1224. And you never heard of the commandant being censured for allowing such a representation to be conveyed from the island?—No; certainly not the one I signed.

1225. Mr. *Arthur Mills.*] Who besides Mr. Naylor and yourself were parties to the representation you now speak of?—I am not aware of any one else.

1226. Sir *John Trollope.*] Had you any subsequent communication with Fletcher, or any other person?—None whatever. I had a subsequent conversation with the comptroller-general of convicts in Van Diemen's Land, but it was merely as to the unfavourable result of that petition. Nothing more. I never heard of any censure having been passed on any parties concerned, and when Sir Eardley Wilmot spoke to me on the subject, the only thing he said was, that the Secretary of State would not thank me for having interested myself in a case of that kind.

1227. Dr. Browning, a superintendent of a convict ship, was he in Norfolk Island when you were there?—No.

1228. Did you know Dr. Browning?—I knew him by name, not personally.

1229. Do you know if he is now in England?—I do not.

1230. Mr. *Bright.*] How long were you in Norfolk Island?—Three years altogether.

1231. How long before Barber's residence there?—I forget the date of his arrival; I think it must have been October 1844, and I think I left somewhere about March or April 1845; I was there a few months after his arrival.

1232. Did you leave Mr. Naylor there?—Yes, I left Mr. Naylor on the island.

1233. You were there a short time?—I was there a short time after Barber's arrival.

1234. Sir *John Trollope.*] Have you continued in the public service since then?—Yes, ever since.

1235. You continued in the public service, and never heard of any reproof or censure?—No, I never heard of any censure.

1236. Mr. *Cobbett.*] You were there when Barber arrived?—I was there, and saw him land from the ship.

1237. Had you seen any account of the trial which had taken place before he arrived?—Yes, I had seen an account in the newspapers.

1238. How long before, do you recollect?—It may have been a few months before; the newspapers were sent on regularly to Norfolk Island, and I read the trial there; it was one of considerable interest at that time.

1239. Did you anticipate that Barber was coming there?—Yes, I knew he was coming there.

Mercurii, 7° die Julii, 1858.

MEMBERS PRESENT.

Lord Hotham.	Mr. Milner Gibson.
Mr. Hardy.	Mr. Bright.
Sir John Trollope.	Mr. Brady.
Mr. Arthur Mills.	Mr. Collier.
Mr. Massey.	Mr. Crossley.
Mr. Adams.	Mr. Wilson.
Mr. Cobbett.	Mr. Yorke.

LORD HOTHAM, IN THE CHAIR.

Mr. *W. H. Barber,* called in; and further Examined.

Mr. *W. H. Barber.*

7 July 1858.

1240. *Chairman.*] THE Committee understand that you wish to make some explanation of a part of your former examination?—Not any part of my own evidence; I am not aware that it requires any explanation. It is merely in reference to the evidence which was given yesterday, on one or two points coming upon me for the first time. With reference to the letter which was sent to a prisoner named William M'Cullum, I wish to state, that I never heard whilst I was on the island that the delivery of a letter to the party who took it was an offence; it was never communicated to me as such; it was never so represented to the superintendent of the station, Lieutenant Butler, who is now in the room, that I had committed such an offence, or that it was regarded as one; it was in fact not an offence, for there was no regulation at that time which forbade a prisoner from sending a letter to another prisoner. There was a regulation made afterwards, and I never broke it; before that, the practice was very common for one prisoner to send a letter to another. With reference to the person to whom I delivered that letter, he received it most regularly; it was quite proper to deliver it to him; he was the Government postman, and Mr. Rogers was a little incorrect yesterday as to that; I am quite sure I am right. Major Childs, the commandant, appointed a prisoner to collect letters at the different stations, and when he had collected them, he took them to Major Childs himself, at Government House, and from thence they were distributed; my letter was taken with the other letters by the Government postman, and it was in that way that Major Childs got the letter, so that there was nothing irregular in my delivering it to that party, and there was nothing irregular in his receiving it. Before I left the island there was a record made up of every prisoner, and there was a column headed "Offences," and opposite my name was written "none;" that is, that I had committed no offence, and I received a certificate from the then civil commandant, Mr. Price, who was a most strict disciplinarian, that my conduct had been thoroughly satisfactory since he had been on the island. With reference to the regulations; it was stated by Major Childs that he did not interfere with the men placed on the station; but that the superintendent of the station had control over the men, and directed their employment. Now that was so as a general rule; but it was one of the things of which I complained, that he made an exception against me in that respect, and that he never would allow any superintendent to employ me as he thought best; and the proof of that, I think, will be seen by the Committee in this: that Lieutenant Butler, who is now in the room, being my superintendent at the Cascades station, would have employed me very differently, while I should have been far more useful than in doing the work assigned me; but he was obliged to apply to Major Childs; he did apply, and that application was refused; and instead of the application being conceded, I was sent to Longridge station, and increased severities were applied to me.

Mr. *W. H. Barber.*

7 July 1858.

1241. Is there anything you wish to add?—I desire to explain, with reference to Mr. Commissary-general Smith's evidence, that I came on the island on the 10th November 1844, and Mr. Smith left the island in rather less than four months after I arrived there; he left about the 1st or 2d March in the following year; Mr. Smith therefore had not an opportunity of witnessing the most severe part of the treatment to which I was subjected. The facts to which Mr. Rogers deposed yesterday, and which were certified by Mr. Robertson, occurred after Mr. Smith had left, for these gentlemen were not on the island until Mr. Smith had left. The fact is, that although I do not impute to Major Childs that when I came on the island he had any ill-will against me—I do not know how he could, for I was an entire stranger to him—yet this I do say, that he made an exception against me, and treated me in the way already stated, proved, and, indeed, admitted; and what I do impute to Major Childs is this: that there afterwards grew up in his mind a personal ill-will against me, in consequence, I believe, of his having been frequently complained to; it may be said, remonstrated with, as far as it was proper to do so, by other officers on the island, as to what was felt to be the cruel way in which he treated me. My impression is that that produced in his mind a personal vindictive feeling towards me; it was notorious in the island that Major Childs had what was vulgarly called a "down" upon me, and that was known to every inferior officer on the island, who worried me accordingly. I put in the testimony of almost all the officers of Norfolk Island, and who were spoken of by Major Childs as most respectable men; I have their certificates here which I can put in. I have the testimony in my favour of pretty nearly all the officers that were on the island. With reference to what Mr. Smith said yesterday as to Fletcher, no doubt when Mr. Smith saw Fletcher he was ill, in a very debilitated state, and he probably appeared to Mr. Smith to be older than he was; Mr. Smith thought he was 60; now by the sessional record which I have in my hand, his actual age is stated; his age at that time was 50; so that instead of being 60, as Mr. Smith supposes, he was actually but 50. He left the hospital not very long after his arrival on the island, and he was very well and hearty at the time he was appointed medical dispenser. He was a man of powerful frame, six feet high, far more muscular than myself, and I think, if we had both undergone a medical examination as to our physical power, it would have been said he was stronger than myself.

1242. Is there anything else you wish to state?—I believe that is all I have to state with reference to the evidence yesterday.

Mr. *Robert Peckham,* called in; and Examined.

Mr. *R. Peckham.*

1243. Mr. *Collier.*] I BELIEVE you are a Solicitor, now practising in Ludgate-street?—I am.

1244. Were you a clerk to Mr. Barber from the commencement of his practice in London in February 1837, until the time of his apprehension?—I was.

1245. His apprehension was in December 1843, we understand?—Yes.

1246. That is six years you were with him?—Yes. I remained some short time after his apprehension, until Mr. Bircham broke up the establishment.

1247. What was the condition of Mr. Barber's business and his circumstances at that time?—Mr. Barber's business at that time was very flourishing; it had just grown to that comfortable point of the business which it would take some few years to reach. It had been established some six or seven years, and had just been growing into a good flourishing business, in which he was enabled to pick the better class of clients, which time only enables a young professional man to do.

1248. Can you give us a notion of the way in which he carried on his business? How many clerks were there in his office?—I have been endeavouring to charge my memory with some degree of accuracy, and I believe, at the time of his apprehension, there were nine clerks, including myself. I had started with him, at his admittance, as his only clerk. His business had developed itself, and was rapidly increasing. His business had gone on very rapidly increasing, until at the time of his apprehension in December 1843, it was an establishment consisting altogether of nine clerks; three of whom were admitted solicitors.

1249. Three

Mr. *R. Peckham.*

7 July 1858.

1249. Three were articled clerks?—There were two articled clerks; the admitted solicitors acted as clerks to him; there were two articled clerks besides.

1250. Three admitted solicitors acted as his clerks, and besides those there were two articled clerks, who had paid premiums?—I am not sure about their paying premiums, but they received no salaries; their services were given in lieu of premiums.

1251. Does that indicate a description of business more flourishing than is usual with young attornies?—I think it does; and I have had since then a great deal of experience as to the growing up of young practices, and I may fairly say I have never seen one which had so rapidly developed itself, and shown such improvement and promise of increase.

1252. You can form an estimate (I dare say it would be a rough one) of what Mr. Barber's professional income would be about that time?—I can form one, and it will not be so much a conjecture as one might imagine, because Mr. Barber's habit had been, from year to year, in each vacation, to employ that vacation in making up the bills of costs for the current year, and getting a detailed account, almost as a merchant would take stock; and I know, for the year preceding his apprehension, in the August before, the gross amount of his bills of costs came to between 3,000 *l.* and 4,000 *l.*

1253. You say the bills of costs were between 3,000 *l.* and 4,000 *l.*; can you form an estimate, a rough one, of how much of that would be profit?—Taking the class of business which I knew it to consist of, together with my subsequent experience of 14 years, and thus having closely estimated what would be profit, and what would be outlay on such business, deducting the total outlay and the total office expenses from the gross amount of 3,400 *l.*, 2,000 *l.* would be profit; it would be in that proportion upon every average bill of costs.

1254. That is the profit of the business for the two partners?—That would be the profit for the two partners.

1255. Mr. *Collier.*] Do you know whether Mr. Barber and Mr. Bircham had equal shares in the business or not?—I believe so. I have no doubt whatever, from my recollection of the articles of partnership as they were prepared, that they were equally interested in the business.

1256. You know all about the trial?—Yes.

1257. Mr. Barber's expenses about the trial were very heavy, I believe?—Yes, very heavy. They consumed my time and attention for three months; and the cost of copying the briefs alone was above 100 *l.*

1258. Can you give us an estimate of the cost of the trial to Mr. Barber?—I should estimate it altogether at something like 500 *l.* or 600 *l.*

1259. Mr. *Bright.*] Do you know anything with reference to the dissipation of Mr. Barber's property, his furniture or library, or whatever he had?—After having started with Mr. Barber, when he first commenced his practice, and before he commenced forming an establishment for himself, I was with him at the time of his forming both his private establishment in Nelson-square and the house he devoted to office purposes in New Bridge-street. I was, therefore, aware of both their cost and also their dissipation. The cost of the one in Nelson-square was first gone into; that would certainly be, in one way or other, about 500 *l.* I was present at the time when all the goods arrived; and since, having become a family man, I am aware of what such expenses are. I should say that would be about the extent of the Nelson-square establishment. The Bridge-street establishment was very handsomely fitted up indeed. The entire house now occupied by the Hospital for Cutaneous Diseases was devoted to office purposes; and the furniture there, together with the library and other appendages for the establishment, would certainly be valued at 400 *l.* or 500 *l.* Both properties were dissipated under the circumstances which I believe have already been described in Mr. Barber's evidence, and therefore perhaps it may be unnecessary to trouble the Committee with that. It arose chiefly from the fact that week by week Mr. Barber was anticipating that his trial would come on; but the prosecution were continually applying for adjournment after adjournment, preparing fresh evidence and applying for fresh remands; thus the matter went on week after week and month after month; and when the trial took place Mr. Barber had been destroyed already by the destruction of his property.

Mr. *R. Peckham.*

7 July 1858.

1260. Mr. *Cobbett.*] Can you tell what was the amount realised for those properties in Nelson-square and Bridge-street?—That is the only point upon which I have not so clear a recollection, for this reason, I was engaged unremittingly day and night as the managing clerk to Mr. Bramhall, Mr. Barber's attorney, in getting up his defence; I devoted myself exclusively to that business. Mr. Bircham, under whose superintendence the realisation of these assets was managed, was a little hostile to Mr. Barber, at least they were not much in communion one with the other; the realisation was done under his superintendence, and I do not know, except from hearsay, what they did produce.

1261. Mr. *Collier.*] Mr. Barber we know was transported, and came back again; are you at all aware what liabilities Mr. Barber has incurred in and about procuring the necessary evidence of his innocence for the purpose of being reinstated in his profession?—That is a question again upon which I must speak somewhat without the authority I should like to have, before a Committee of this House; if called upon to estimate it from my knowledge of such things, I should say it exceeds 1,000 *l.*; what he must have incurred necessarily in the long-continued struggle for his certificate and from the various expenses he must have incurred in putting his case before the public; but my intimacy has not been so great with Mr. Barber since his return to this country as it was at an earlier period, and my own devotion to my profession has occupied my attention necessarily so much that I have not the means of information I had formerly.

1262. That is exclusive of his own maintenance and other expenses?—Yes, that is the mere outlay he would have incurred.

1263. The mere outlay he must incurred for the purpose of procuring what is now admitted ought never to have been refused?—Yes.

1264. Mr. *Arthur Mills.*] You stated you did not know what was the amount realised by Mr. Barber's assets; to your knowledge was any application at any time made by you or any one else, on Mr. Barber's behalf, to Mr. Bircham, with a view of ascertaining what was produced by the sale of his effects?—I am not aware that any such application was made to Mr. Bircham at any time; I have frequently discussed the propriety of such a step with Mr. Barber, and Mr. Barber's reply to me always was, "I can get no account from him; Mr. Bircham since has received 300 *l.* or 400 *l.*, and refuses to pay over or account."

1265. Mr. *Collier.*] You have spoken of these expenses; you know that Mr. Barber has recommenced practice?—He recommenced in 1855.

1266. Do you know what the condition of his practice has been since then; how far it differs from what it was at the time of his apprehension?—I do not know that with sufficient accuracy to speak to it, because it has been a very delicate subject. I have rather abstained from inquiring into it, and knowing in an ample measure from other quarters (having talked with brother professionals on the subject year after year), the prejudice which always exists in the profession and in the public mind against a man in his position, I know that, with all his talent and his unwearied industry, it is impossible for him to succeed in his profession; let his innocence be vindicated to the satisfaction of ninety-nine men out of every hundred, the prejudice on the mind of the hundredth man would prevent it.

1267. Do you know as a matter of fact, that so strong is the prejudice against him in consequence of that conviction, that it must be injurious to him in his profession?—I know it is so strong in his case that I have felt, if my friend, if I may so call him, could devote himself to some other profession, for which his skill alone, to say nothing of his industry, would well qualify him, he had better abandon the legal profession. So much has the prejudice prevailed that my position as his clerk has stood in the way of my professional advancement, and it is only now that I am beginning to get over the injury arising from my connexion with that gentleman, who was called so unjustly a "will forger."

1268. You have spoken of Mr. Barber's skill and industry, as you were in his office some six years; in your opinion was he possessed of that amount of skill, industry, and ability, which, under ordinary circumstances, would ensure a man success in his profession?—He was. I should say I have never seen the three qualities combined in a greater degree. I may have seen greater talents, but I never saw so much talent and skill combined, with such indomitable industry, as Mr. Barber devoted to his profession.

1269. He was a man of great industry and perseverance?—Very great.

I N D E X.

[*N. B.*—In this Index the Figures following the Names of the Witnesses refer to the Questions in the Evidence, and the Numerals following *Rep. p.* to the Paging of the Report.]

A.

ALLEGATIONS OF PETITION. The Committee have inquired carefully into the allegations of the petition, and find them to have been substantially proved, *Rep. p.* iii.

B.

Bank of England. Practice of the Bank with reference to the payment of the stock in the "Slack" case; detection of the fraud if certain precautions had been adopted, *Barber* 353-396——As there were two unclaimed sums standing in the name of Anne Slack, it is matter of surprise that the Bank met a claim for only one amount without suspecting some fraud, *ib.* 354. 372. 386.

Barber, William Henry. (Analysis of his Evidence.)—Carries on practice as an attorney in Nicholas-lane, Lombard-street, 1-3——Was in practice for eight years before his trial in 1844; served his articles with Messrs. Scoones, of Tunbridge, with whom he continued for seventeen years, 4, 5——On committal for trial in 1843 was refused bail, and was in prison for four months, 6-10——The Commissioners for the Reduction of the National Debt were the prosecutors, 11——There were four bills of indictment, the charge against witness being that he had uttered certain forged documents knowing them to be forged, 12-22——The trial took place early in April 1844; 23. 51.

Joshua Fletcher was included with witness in each of the indictments; other parties included, 24. 33-39——Fletcher was a retired surgeon, and was possessed of considerable property, 25, 26——Witness had known Fletcher since 1839, but merely professionally, and had transacted some legal business for him, 27-33——Application was made by witness for a separate trial, but was refused, 40-49——Names of witness's counsel and of the counsel for the prosecution, 41, 42. 45, 46. 50.

The first indictment occupied four days in trial, and resulted in witness's acquittal, 51-55——The fourth indictment, which was next tried, occupied six days and resulted in witness's conviction, and in that of Fletcher and Mrs. Dorey, 56-60. 78——Explanation as to the second and third indictments having been abandoned by the Crown, whereas witness's counsel pressed for their trial as throwing a light upon the case on which he was convicted, 60-76.

Details as to the nature of Slack's case (as involved in the fourth indictment), and as to the deceit practised upon witness by Fletcher in regard to the forged will upon which the conviction was based, 77——Witness and Fletcher were sentenced to transportation for life, 79——The chief agent in all the frauds, a man named Sanders, pleaded guilty to one of the charges, and was sentenced to seven years' transportation, 79.

Statement as to the non-production of witness's partner, Mr. Bircham, as a witness for the prosecutors, though subpœnaed by them; every exertion was made on witness's side to find out where Mr. Bircham was, but without effect, 80-102. 400——Unfair reference by the counsel for the prosecution, Mr. Erle, to the absence of Mr. Bircham, 80. 112, 113. 399-401——Prejudice to witness's case by the non-production of Mr. Bircham; material evidence which he could have given in witness's favour, 80. 103-108——Witness has not since had any communication with Mr. Bircham relative to the trial; doubt as to where he now is, 96. 109-111. 336-338.

Very severe prison treatment of witness after his conviction and previously to his departure for Norfolk Island, 114-116—— Sufferings of witness during the voyage to Norfolk Island, which lasted four months; he was not, however, unfairly treated, 116-126——Steps taken in regard to witness immediately on his arrival in the island; animosity

Report, 1858—*continued.*

Barber, William Henry. (Analysis of his Evidence)—*continued.*

at once manifested by the commandant, Major Childs, 127-129——Invariable refusal by Major Childs of several applications from persons in the island for witness's services as clerk, &c., 130-142. 164. 179, 180. 202.

The duty assigned to witness for about 16 months after arrival in the island was that of wardsman in charge of about 220 convicts, many of whom had been convicted of murder, of unnatural crimes, and other offences of the deepest dye; dangerous, degrading, and filthy nature of the duties of this position, 143-164. 194-196. 455——Comparatively easy and luxurious work assigned to some most heinous offenders, whilst witness was kept at employments disgusting, laborious, and unhealthy, 159. 172. 455——Frequent illness of witness in consequence of the nature of his work as wardsman, 163-167. 179.

Field-work upon which witness was employed at the end of 16 months; this work was exceedingly laborious, and lasted for about four months, 168-174—— Severity displayed towards witness by the subordinate officers in the belief that it would be pleasing to the commandant. 172. 232——Comment on the employment of Fletcher as medical dispenser, with a separate apartment, 175-177. 181-186——Statement as to witness having been ordered by Dr. Graham to break stones as a task less severe and unwholesome than his duties as wardsman, and as to Major Childs having, in an unfeeling manner, ordered him back to the wards, 178, 179.

Cruelty in placing witness in close association with some convicts of a desperate character, some friends of whom had been convicted and executed for murder, partly on the evidence of witness, 179——Illness of witness on removal from stone-breaking to the wards; indignant protest hereon by Dr. Graham, 187-193——Circumstances under which, after being 20 months in the island, witness was put into an office in the agricultural department, where he had to prepare important accounts, 197-203.

Seizure by Major Childs of some papers prepared by witness with reference to his innocence; witness was also forbidden the use of writing materials, 204-211 ——Statement as to several letters written by witness and others on his behalf having been detained by Major Childs, 215-221. 233-244——After about two years and four months witness was ordered to be removed to Van Diemen's Land, where he heard a few days after his arrival that a conditional pardon had been received for him, 222-224——It was certified that witness committed no offence in Norfolk Island, 225-227.

Major Childs was dismissed from Norfolk Island some months before witness left, and was succeeded by Mr. John Price, of whose conduct witness does not at all complain, 228-231—— Destitute condition of witness in Hobart Town when he received his conditional pardon; assistance by which he reached Sydney, 245-247——Favourable feeling displayed towards witness by the legal profession in Sydney, 247, 248——Circuitous route from Sydney by which witness arrived at Paris, 248, 249——Warm interest taken in witness's case by Lord Normanby, 249. 251——Free pardon received by witness in Paris in November 1848; 249-253.

Grounds upon which the free pardon was granted, 254-299——Particulars as to the confessions of Fletcher, as made at different times since his conviction, which have been partly the grounds of witness's free pardon, 254-264——Important confessions were also made by Sanders, the principal confederate of Fletcher, 254—— Witness has, since the trial, kept himself entirely aloof from Fletcher, 256, 257——Explanation relative to a declaration signed by eight of the jury which convicted witness, to the effect that had certain matters which subsequently transpired been known to them on the trial, their verdict would have been one of acquittal, 264-282.

Warm sympathy felt for witness on his conviction and previously to his free pardon by several of the first people in the country, 283-290—— Particulars as to the confessions of William Sanders, as made on several occasions, to the effect that witness was altogether innocent of the charge imputed to him, 291-295——Extract from a letter from the late Rev. T. B. Naylor, chaplain of Norfolk Island, expressing the strongest conviction of witness's innocence, and the warmest interest in his future welfare, and testifying to his dignified and manly endurance of sufferings and refined cruelty inflicted upon him from the worst possible motives, 296, 297.

Opposition by the Incorporated Law Society to witness's application for his professional certificate, 302-304——Explanation relative to and production of two original documents by William Sanders, giving full particulars as to fraud perpetrated in the "Slack" case, and showing that witness was no party thereto, 304-318——On producing these documents before the Court of Queen's Bench, in 1853, witness's certificate was at once allowed, 317. 319-322.

Witness commenced practice in 1836, and at the time of his trial in 1844 had a large and profitable business, 323-327——Forfeiture of all his property on conviction, 328 —— Expense of about 3,000 *l.* incurred by witness in procuring his certificate and establishing his case generally since his return to England, 329-335——Since November 1855 witness has been again in practice, 333. 339——Great difficulty experienced by witness in re-establishing his practice; illustration of this, 340-342.

Nature

Report, 1858—*continued.*

Barber, William Henry. (Analysis of his Evidence)—*continued.*

Nature of the fraud committed upon the Bank of England in one of the "Hunt" cases, where another solicitor than witness was employed, 343-346——Loss to the State if the Fletcher frauds had not been discovered, 347-350——Practice of the Bank in advertising claims to stock upon which the dividends have not been paid, 351, 352——Practice at the Bank with reference to the payment of the stock in the "Slack" case; detection of the fraud if certain precautions had been adopted, 353-396.

As regards there being two unclaimed sums in the Bank standing in the name of Anne Slack, witness understood from Fletcher that they were different parties, 373-387——Explanation as to witness having concluded that Miss Slack, sister-in-law of Captain Foskett, was not the owner of the sum fraudulently obtained by Fletcher, 397, 398——Witness first saw Miss Slack at the Mansion House, 398-403——Reason why no witnesses, except as to character, were called on witness's behalf, 402. 404.

Evidence as to the sacrifice of witness's property; that is, of his book debts, his furniniture, library, &c. by reason of his incarceration and subsequent conviction; explanation as to his furniture, &c. having realised only about 150 *l.*, and his book debts only about 70 *l.*, 405-446——The book debts were very considerable; but on his return from Norfolk Island had come under the Statute of Limitations, 425-436——Funds from which the cost of witness's defence was defrayed, 437-439——Money transactions between Fletcher and witness, the former having made some loans to witness; at the time of the trial Fletcher was, however, a debtor of witness, 447-454.

[Second Examination.]—Explanation in reference to the circumstance of witness having sent a letter to another prisoner, that there was nothing irregular in his having done so, 1240——Testimony borne to witness's conduct by Mr. Price further adverted to, *ib.*——Inaccuracy of a statement by Major-general Childs that he did not interfere with the superintendents in the distribution of employments, *ib.*

Departure of Mr. Smith from the island about four months' after witness's arrival, so that he had not an opportunity of observing much of his ill-treatment, 1241——Personal vindictive feeling of Major Childs towards witness further adverted to; this was notorious in the island, *ib.*——Inaccuracy of Mr. Smith's statement as to the age of Fletcher; physically Fletcher was stronger than witness, *ib.*

Bills of Indictment. There were five bills of indictment, the charge against witness being that he had uttered certain forged documents, knowing them to be forged, *Barber* 12-22——Fletcher was included with witness in each of the indictments; other parties included, *ib.* 24. 33-39.——*See* also *Trial.*

Bircham, Mr. Statement as to the non-production of witness's partner, Mr. Bircham, as a witness for the prosecutors, though subpœnaed by them; every exertion was made on witness's side to find out where Mr. Bircham was, but without effect, *Barber* 80-102. 401——Unfair reference by the counsel for the prosecution, Mr. Erle, to the absence of Mr. Bircham, *ib.* 80. 112, 113. 399-401——Prejudice to witness's case by the non-production of Mr. Bircham; material evidence which he could have given in witness's favour, *ib.* 80. 103-108——Mr. Bircham was much frightened, and said that if witness was liable he was equally so, *ib.* 84. 92-95——Reference to a statement by Mr. Bircham that he did not keep out of the way; its inaccuracy, *ib.* 90, 91. 97-102——Witness has not since had any communication with Mr. Bircham relative to the trial; doubt as to where he now is, *ib.* 96. 109-111. 336-338.

Book Debts. See *Pecuniary Sacrifices.*

Brougham, Lord. Mr. Serjeant Wilkins told witness that Lord Brougham had taken a great interest in his case, and had expressed his regret that he was not acquitted, *Barber* 285.

Browne, Fielding. Reference to the opinion expressed by Mr. Fielding Browne, judge of the criminal court in Norfolk Island, as to the necessity of an acquittal of witness if certain facts had been known to the jury, *Barber* 261, 262.

C.

Certificate. On producing before the Court of Queen's Bench in 1853 certain original documents by William Sanders, witness's certificate was at once allowed, *Barber* 319-322.——*See* also *Incorporated Law Society.*

Childs, Major-General Joseph. (Analysis of his Evidence.)—Is Major-general in the Royal Marines, 456——When commandant at Norfolk Island witness treated Mr. Barber like any other prisoner, and never used any cruelty towards him, 457. 483. 722-729. 942——Arrival of Barber in the island adverted to; witness was not anticipating his coming and did not single him out on this occasion for any special ill-treatment, 458-462. 858-880. 887-891. 940-942——Refusal of witness to accede to applications by the Rev. Mr. Naylor, the Rev. Mr. Rogers, and others, for the services of Barber as a clerk, &c.;

Childs, Major-General Joseph. (Analysis of his Evidence)—*continued.*

explanation that witness was guided on this point by a rule prohibiting such employment until the convict had been a certain time in the island, 463–483. 533. 636–639. 892–911.

Work as a wardsman assigned to Barber by the superintendent of the station, and not by witness, 476. 543, 544. 828——Nature of Barber's duties as wardsman; the work was very easy, but was doubtless very obnoxious and disgusting, especially to any person who had been in the same social position as Mr. Barber, 476, 477. 495–499. 542. 552–558. 824–829——Light and easy employment, as medical dispenser, assigned to Fletcher because of his being well fitted for it, and moreover physically incapable of laborious work, 484–487. 570–580.

Removal of Barber, at the request of Dr. Graham, to Cascades station for change of air, and as being a more healthy locality for him; belief that Dr. Graham did not complain that the duties as wardsman were injurious to his health 488. 513, 514. 545–554. 599–606. 653–658——Particulars as to a certain letter having been discovered from Barber to another convict of the name of M'Cullum; impropriety of Barber in writing this letter; its contents, 488–494. 581–598. 641–652——Seizure of certain papers in the house of Mr. Rogers with reference to Barber; consequent suspension of Mr. Rogers from the commission of the peace by the Governor of Van Diemen's Land, 488, 489. 924–930.

Witness does not recollect that Mr. Rogers ever remonstrated with him about the treatment of Barber, or said anything about witness being responsible for his life being placed in jeopardy through such treatment; witness however is not prepared to deny that some such conversation took place, 500. 505–514——Feeling of Mr. Rogers, Mr. Smith, and others on the island, that Barber was an innocent man, 501–504. 697–700. 714——Barber was constantly at Mr. Rogers' house, 508–510——Explanation as to the dismissal of witness in September 1846, from his position as commandant; reason assigned, 515–532. 839.

Reference to several instances in which witness had sanctioned the employment of convicts, some of whom had been desperate characters, as clerks or servants, &c.; grounds upon which such employment was assigned, whilst in Barber's case it was not allowed, 533–541. 559–569. 634–639. 662–664. 785–792. 912–923. 931–939——Good conduct generally of Barber, 581–587——Employment of Barber in a field-gang, subsequently to the discovery of his correspondence with M'Cullum; the labour was by no means unusually severe, 584. 619–635——Different regulations at one period in regard to the convicts sent direct from England, and other penal convicts, 607–613——There were no instructions from England, as to any special treatment in Barber's case, 614–618. 725, 726. 858.

Witness has no recollection of Barber having been ordered by Dr. Graham to be employed at stone-breaking as a relief from the wardship, nor does he remember or believe that, in the unfeeling manner imputed to him (*Q.* 179), he ever ordered Barber to return to his previous occupation, 640. 653–658. 683–693——Witness does not recollect any application by Barber not to be sent to Longridge, and placed in association with the friends of two murderers against whom he had given evidence, 659–661.

Official positions in the island of several persons, who have testified with reference to Mr. Barber's treatment and conduct, 662–668——As regards certain strong statements by Mr. Naylor, Mr. Robertson, and Mr. Rogers, as to the "wanton insults," "refined cruelty," and "mental torture," &c., practised towards Mr. Barber, witness gives a general denial thereto, and repeats that he never singled out Mr. Barber for persecution in any way, 694–697. 720–729. 807–824.

Particulars as to Mr. Naylor, Mr. Smith, and others, having drawn up a certain document, with reference to the innocence of Barber, and having forwarded it to England without witness's cognisance, which led to his being reprimanded by the governor of Van Diemen's Land, 697–719. 734–778. 805, 806——No letters from officials in the island to persons in authority in this country were ever stopped at the local post office, 730–733——Rule that all private letters were forwarded, duly sealed, through Van Diemen's Land, whilst the convicts' letters were first inspected by an officer, 752–761. 774–784.

As regards a pamphlet published by Mr. Barber, witness has not read the whole of it, but denies the accusation in it of cruel treatment, 793–804——Circumstances under which Barber was deprived of writing materials, 821. 823——Belief that the subordinate officials did not treat Barber with any unusual severity, 821——Witness has not been in the Government civil service since he left Norfolk Island; he is now retired on full pay, 833–838.

Medical examination of each convict on arrival, 840–845——Rule as to the assignment of particular employments, according to the capacity or previous training of each convict, witness not exercising any detailed interference, 846–857. 865–877——On Barber's arrival, witness merely directed that he should be attached to a particular station and superintendent, 850–853——Witness does not recollect any special mention of Barber, as having conducted himself very well during the voyage, 861–863.

Committal

Report, 1858—*continued.*

Committal for Trial. On committal for trial in 1843, witness was refused bail, and was in prison for four months, *Barber* 6-10.

Compensation. Non-inquiry by the Committee into the question whether pecuniary compensation should be granted to Mr. Barber, they being precluded from recommending any grant of public money, *Rep. p.* iii——The Committee consider that Mr. Barber has strong claims on the favourable consideration of the Crown, *ib.*

See also *Cost of Defence. Pecuniary Sacrifices. Practice.*

Conditional Pardon. After having been about two years and four months on Norfolk Island, witness was ordered to be removed to Van Diemen's Land, where he heard a few days after his arrival that a conditional pardon had been received for him, *Barber* 222-224.

Cost of Defence. Funds from which the cost of witness's defence was defrayed, *Barber* 437-439——The cost of the trial was about 500 *l.* or 600 *l.*, *Peckham* 1256-1258.

F.

Fletcher, Joshua. Fletcher was a retired surgeon and was possessed of considerable property, *Barber* 25, 26——Witness had known Fletcher since 1839, but merely professionally, and had transacted some legal business for him, *ib.* 27-33——Particulars as to the confession of Fletcher, as made at different times since his conviction, which have been partly the grounds of witness's free pardon, *ib.* 254-264——Witness has, since the trial, kept himself entirely aloof from Fletcher, *ib.* 256, 257——Money transactions between Fletcher and witness, the former having made some loans to witness; at the time of the trial, Fletcher, however, was a debtor of witness, *ib.* 447-454.

Fletcher said, in Norfolk Island, that if Barber had had a new trial he could have cleared him, *Rogers* 949-951——Statement by Fletcher, when on a sick bed, which convinced witness of the innocence of Barber, *Smith* 1209-1214.

Comments on the employment of Fletcher in Norfolk Island, as medical dispenser, with a separate department, *Barber* 175-177. 181-186; *Rogers* 954——Light and easy employment, as medical dispenser, assigned to Fletcher because of his being well fitted for it, and moreover, physically incapable of laborious work, *Childs* 484-487. 570-580——As regards the comparatively mild treatment of Fletcher, he was 60 years of age and was constantly in ill health, *Smith* 1207, 1208——Inaccuracy of Mr. Smith's statement as to the age of Fletcher; physically, Fletcher was stronger than witness, *Barber* 1241.

Free Pardon. Free pardon received by witness in Paris in November 1848, *Barber* 249-253——Grounds upon which the free pardon was granted, *ib.* 254-299.

H

Hobart Town. Destitute condition of witness in Hobart Town when he received his conditional pardon; assistance by which he reached Sydney, *Barber* 245-247.

"Hunt" Frauds. Nature of the fraud committed upon the Bank of England in one of the "Hunt" cases, where another solicitor than witness was employed, *Barber* 343-346.

I.

Incorporated Law Society. Opposition by the Incorporated Law Society to witness's application for his professional certificate, *Barber* 302-304.

Innocence of Barber. Feeling of Mr. Rogers, Mr. Smith, and others on the island, that Barber was an innocent man, *Childs* 501-504. 697-700. 714——Witness had frequent communications with Fletcher and Barber, which convinced him that the latter was wrongly convicted, *Rogers* 946-953——Representation was made jointly by witness and the Rev. Mr. Naylor as to the innocence of Barber, *Smith* 1185, 1186. 1209. 1216.

The Committee find the allegations of the petition to have been substantially proved. *Rep. p.* iii.

See also *Fletcher, Joshua. Free Pardon. Jury. Sanders, William. Separate Trial. "Slack" Fraud.*

J.

Jury. Explanation relative to a declaration signed by eight of the jury which convicted witness, to the effect that had certain matters which subsequently transpired been known to them on the trial, their verdict would have been one of acquittal, *Barber* 264-282.

Report, 1858—*continued.*

K.

Kelly, Right Hon. Sir F. The present Attorney-General has taken a deep interest in witness's case, *Barber* 287.

M.

Madras. Kind feeling displayed towards witness at Madras on his journey home, *Barber* 249.

Memorial from Norfolk Island. Particulars as to Mr. Naylor, Mr. Smith, and others, having drawn up a certain document with reference to the innocence of Barber, and having forwarded it to England without witness's cognisance, which led to his being reprimanded by the governor of Van Diemen's Land, *Childs* 697-719. 734-778. 805, 806.

Statement of the circumstances in connexion with the forwarding from the island, independently of Major Childs, of a certain memorial in favour of Barber, with reference to the transmission of which Major Childs received, a rebuke from the Governor of Van Diemen's Land, *Rogers* 1050-1058. 1084-1096.

Mode of transmission to the Home Secretary of the written representation or certificate by witness and Mr. Naylor, *Smith* 1214-1216.——Witness never heard that Major Childs was censured by the Governor of Van Diemen's Land on account of some representation or memorial concerning Barber having left the island through a private channel, *ib.* 1217-1226. 1234, 1235.

N.

Naylor, Rev. T. B. Extract from a letter from the late Rev. T. B. Naylor, chaplain of Norfolk Island, expressing the strongest conviction of witness's innocence, and the warmest interest in his future welfare, and testifying to his dignified and manly endurance of sufferings and refined cruelty inflicted upon him from the worst possible motives, *Barber* 296, 297.

Mr. Naylor took a warm interest in Barber, and doubtless believed that he was cruelly treated, as well as wrongly convicted, *Childs* 697-699. 722.

Norfolk Island:

1. *Personal Feeling of Major Childs, the Commandant, towards Barber.*
2. *Mode of Employment of Barber; his Treatment by Major Childs.*
3. *Treatment at the Hands of subordinate Officials.*
4. *Refusal in the case of Barber of certain Employment granted to other Convicts.*
5. *Seizure of Papers and Prohibition of the use of Writing Materials.*
6. *Letter from Barber to another Convict.*
7. *Good Conduct of Barber in the Island.*
8. *Dismissal of Major Childs as Commandant.*
9. *Treatment of Barber by Major Childs' Successor.*

1. *Personal Feeling of Major Childs, the Commandant, towards Barber:*

Steps taken in regard to witness, immediately on his arrival in the island; animosity at once manifested by the commandant, Major Childs, *Barber* 127-129——Arrival of Barber in the island adverted to; witness was not anticipating his coming, and did not single him out, on this occasion, for any special ill-treatment, *Childs* 458-462. 858-880. 887-891. 940-942——It was evident that Major Childs had a personal antipathy to Mr. Barber; it was one of those predetermined prejudices which cannot be accounted for, *Rogers* 1002-1004. 1097-1099. 1144——Belief that Major Childs had not any personal dislike towards Barber, and that his strict treatment of him really arose from timidity, or the fear of public censure, *Smith* 1203-1206——Personal vindictive feeling of Major Childs towards witness further adverted to; this was notorious in the island, *Barber* 1241.

2. *Mode of Employment of Barber; his Treatment by Major Childs:*

The duty assigned to witness for about sixteen months after arrival in the island was that of wardsman, in charge of about 220 convicts, many of whom had been convicted of murder, of unnatural crimes, and other offences of the deepest dye; dangerous, degrading, and filthy nature of the duties of this position, *Barber* 143-164, 194-196, 455——Comparatively easy and luxurious work assigned to some most heinous offenders, whilst witness was kept at employments disgusting, laborious, and unhealthy, *ib.* 159, 172. 455——Frequent illness of witness in consequence of the nature of his work as wardsman, *ib.* 163-167. 179——Field work upon which witness was employed at the end of 16 months; this work was exceedingly laborious, and lasted for about four months, *ib.* 168-174.

Statement

Report, 1858—*continued.*

NORFOLK ISLAND—continued.

2. *Mode of Employment of Barber: his Treatment by Major Childs*—continued.

Statement as to witness having been ordered by Dr. Graham to break stones as a task less severe and unwholesome than his duties as wardsman, and as to Major Childs having, in an unfeeling manner, ordered him back to the wards, *Barber* 178, 179——Cruelty in placing witness in close association with some convicts of a desperate character, some friends of whom had been convicted and executed for murder partly on the evidence of witness, *ib.* 179——Illness of witness on removal from stone breaking to the wards; indignant protest hereon by Dr. Graham, *ib.* 187–193——Circumstances under which, after being about twenty months on the island, witness was put into an office in the agricultural department, where he had to prepare important accounts, *ib.* 197–203.

When commandant at Norfolk Island witness treated Mr. Barber like any other prisoner, and never used any cruelty towards him, *Childs* 457. 483. 722–729. 942——Work as a wardsman assigned to Barber by the superintendent of the station and not by witness, *ib.* 476. 543, 544. 828——Nature of Barber's duties as wardsman. The work was very easy, but was doubtless very obnoxious and disgusting, especially to any person who had been in the same social position as Mr. Barber, *ib.* 476, 477. 495–499. 542. 552–558. 824–829——Removal of Barber, at the request of Dr. Graham, to Cascades station for change of air, and as being a more healthy locality for him; belief that Dr. Graham did not complain that the duties as wardsman were injurious to his health, *ib.* 488. 513, 514. 545, 546. 599–606. 653–658.

Witness does not recollect that Mr. Rogers ever remonstrated with him about the treatment of Barber, or said anything about witness being responsible for his life being placed in jeopardy through such treatment; witness, however, is not prepared to deny that some such conversation took place, *Childs* 500. 505–514——Barber was constantly at Mr. Rogers's house, *ib.* 508–510——Employment of Barber in a field gang subsequently to the discovery of his correspondence with M'Cullum; the labour was by no means unusually severe, *ib.* 584. 619–635——Different regulations at one period in regard to the convicts sent direct from England and other penal convicts, *ib.* 607–613——There were no instructions from, as to any special treatment in Barber's case, *ib.* 614–618. 725, 726. 858.

Witness has no recollection of Barber having been ordered by Dr. Graham to be employed at stone breaking as a relief from the wardship, nor does he remember or believe that, in the unfeeling manner imputed to him, he ever ordered Barber to return to his previous occupation, *Childs* 640. 653. 658. 683–693——Witness does not recollect any application by Barber not to be sent to Longridge and placed in association with the friends of two murderers against whom he had given evidence, *ib.* 659–661——Official positions in the island of several persons who have testified with reference to Mr. Barber's treatment and conduct, *ib.* 665–662——As regards certain strong statements by Mr. Naylor, Mr. Robertson, and Mr. Rogers as to the "wanton insults, refined cruelty," and "mental torture," practised towards Mr. Barber, witness gives a general denial thereto, and repeats that he never singled out Mr. Barber for persecution in any way, *ib.* 694–697. 720–729. 807–824.

As regards a pamphlet published by Mr. Barber, witness has not read the whole of it, but denies the accusation in it of cruel treatment, *Childs* 793–804——Medical examination of each convict on arrival, *ib.* 840–845——Rule as to the assignment of particular employments according to the capacity or previous training of each convict, witness not exercising any detailed interference, *ib.* 846–857. 865–877——On Barber's arrival, witness merely directed that he should be attached to a particular station and superintendent, *ib.* 850–853.

Exceedingly disgusting nature of the employment as wardsman at Longridge station assigned to Barber; the work was, moreover, very laborious and unhealthy, *Rogers* 954–960. 1071–1074. 1083——Statement showing that Dr. Graham remonstrated with Major Childs, both verbally and in writing, with reference to the injurious effect of the wardship upon Barber's health, *ib.* 982–996——Strong remonstrance by witness on the score of Barber's ill health; he was subsequently removed to the Cascades station, *ib.* 997–1001——The special ill-treatment of Mr. Barber was a matter of public notoriety, *ib.* 1005–1007.

Cruelty in the removal of Barber to Longridge station, where he had to associate with some desperate characters, friends of some murderers against whom he had given evidence, *Rogers* 1029——A protest against Barber's removal to Longridge was disregarded by Major Childs, although he fully protected another convict who was also a witness on the trial of the murderers, *ib.* 1029–1031. 1181–1183——Explanation as to witness having encouraged the visit of Barber to his house, but not in a manner contrary to the regulations, *ib.* 1067–1070. 1162–1168.

Major Childs treated Barber strictly according to the regulations of the settlement, though he frequently made exceptions in favour of other convicts, *Smith* 1194–1198——The trial and conviction of Barber were matters of notoriety in the island, and his coming thither was anticipated, *ib.* 1236–1239.

Report, 1858—*continued.*

NORFOLK ISLAND—continued.

2. *Mode of Employment of Barber; his Treatment by Major Childs*—continued.

Inaccuracy of a statement by Major-general Childs that he did not interfere with the superintendents in the distribution of employments, *Barber* 1240——Departure of Mr. Smith from the island about four months after witness's arrival, so that he had not an opportunity of observing much of his ill-treatment, *ib.* 1241.

The Committee find the allegations in the petition to have been substantially proved, *Rep. p.* iii——Sufferings of Mr. Barber adverted to, *ib.*

3. *Treatment at the Hands of subordinate Officials:*

Severity displayed to witness by the subordinate officers in the belief that it would be pleasing to the commandant, *Barber* 170–172. 232——Cruelty of the overseer of the field-work, a man of the name of Lane, who had been twice convicted, *ib.* 170–172. 180.

Belief that the subordinate officials did not treat Barber with any unusual severity, *Childs* 821.

4. *Refusal in the Case of Barber of certain Employment granted to other Convicts:*

Invariable refusal by Major Child's of several applications from persons in the island for witness's services as a clerk, &c., *Barber* 130–142. 164. 179, 180. 202.

Refusal of witness to accede to applications by the Rev. Mr. Naylor, the Rev. Mr. Rogers, and others, for the services of Barber as a clerk, &c.; explanation that witness was guided on this point by a rule prohibiting such employment until the convict had been a certain time in the island, *Childs* 463–483. 533. 636–639. 892–911——Reference to several instances in which witness sanctioned the employment of convicts, some of whom had been desperate characters, as clerks or servants, &c., grounds upon which such employment was assigned, whilst in Barber's case it was not allowed, *ib.* 533–541. 559–569. 634. 662–664. 785–792. 913–923. 931–939.

Numerous instances of convicts having been employed as clerks or servants, &c., whilst all applications to Major Childs for the employment of Barber in any light occupation were invariably and systematically refused, *Rogers* 961–981—— Breach of regulations in the employment of several convicts as clerks, &c., before they had been a certain time in the island, although no such breach would be allowed in Barber's case, *ib.* 1075–1082. 1175–1180—— Mention of some professional men as convicts who were treated very differently from Barber, *ib.* 1145–1153.

Witness applied twice to Major Childs for certain employment for Barber, but was refused on each occasion, *Smith* 1187–1193——The reason assigned by Major Childs for not making any exception in Barber's favour was the fear of being censured for relaxation of discipline, *ib.* 1191. 1202–1206——Instance of a convict who had filled a respectable position having been employed as wardsman in the same way as Barber, *ib.* 1199–1201.

5. *Seizure of Papers and Prohibition of the use of Writing Materials:*

Statement as to Major Childs having seized some papers prepared by witness with reference to his innocence; witness was also forbidden the use of writing materials, *Barber* 204–211—— Particulars as to several letters written by witness, and others on his behalf, having been detained by Major Childs, *ib.* 215–221. 233–244.

Seizure of certain papers in the house of Mr. Rogers, with reference to Barber; consequent suspension of Mr. Rogers from the commission of the peace by the Governor of Van Diemen's Land, *Childs* 488, 489. 924–930—— No letters from officials in the island to persons in authority in this country were ever stopped at the local post office, *ib.* 730–733—— Rule that all private letters were forwarded, duly sealed, through Van Diemen's Land, whilst the convicts' letters were first inspected by an officer, *ib.* 752–761. 774–784—— Circumstances under which Barber was deprived of writing materials, *ib.* 821. 823.

Explanation relative to the seizure of some papers at witness's house which related to Barber's case, but which were not prepared by Barber on the island; insulting way in which the seizure was carried out, *Rogers* 1008. 1037–1043. 1059–1066——Interdiction of writing materials exceptionally as regarded Barber; no reason was assigned save that Barber was always getting up documents in order to establish his innocence, *ib.* 1020–1028. 1106–1111. 1154–1161——Inaccuracy of Major-general Childs' statement that witness's commission as a magistrate was withdrawn; circumstances under which it was voluntarily resigned, *ib.* 1032–1036——Witness formally communicated with the Governor of Van Diemen's Land relative to the seizure of papers at his house, but subsequently withdrew his charge against Major Childs, *ib.* 1044–1049.

6. *Letter from Barber to another Convict:*

Particulars as to a certain letter having been discovered from Barber to another convict of the name of M'Cullum; impropriety of Barber in writing this letter; its contents, *Childs* 488–494. 581–598. 641–652.

Reference

Report, 1858—*continued.*

Norfolk Island—continued.

6. *Letter from Barber to another Convict:*—continued.

Reference to the seizure of a letter from Barber to another convict to whom it was being conveyed by a third convict; inaccuracy of Major Childs as to the contents of this letter, *Rogers* 1009-1019——Examination to the effect that there were no special regulations which rendered Barber's letter irregular or punishable, *ib.* 1100-1105. 1142-1143. 1169-1174.

There was nothing irregular in witness having written this letter; it was sent through the post-office, *Barber* 1240.

7. *Good Conduct of Barber in the Island:*

It was certified that witness had committed no offence in Norfolk Island, *Barber* 225-227. 1240——Good conduct generally of Barber, *Childs* 581-587.

8. *Dismissal of Major Childs as Commandant:*

Explanation as to the dismissal of witness in September 1846 from his position as commandant; reason assigned, *Childs* 515-532. 839——Witness has not been in the Government civil service since he left Norfolk Island; he is now retired on full pay, *ib.* 833-838.

9. *Treatment of Barber by Major Childs' Successor:*

Major Childs was succeeded by Mr John Price, of whose conduct witness does not at all complain, *Barber* 228-231.

See also *Memorial from Norfolk Island. Naylor, Rev. T. B.*

Normanby, Lord. Warm interest taken in witness's case by Lord Normanby, *Barber* 249, 251.

P.

Peckham, Robert. (Analysis of his Evidence.)—Solicitor; was clerk to Mr. Barber from February 1837 until the time of his apprehension, 1243-1246—— Extensive and flourishing character of Mr. Barber's business at the period of his apprehension, 1247-1255——The net profits of Mr. Barber and his partner were at this time about 2,000 *l.* a year, 1252-1255——The cost of the trial was about 500 *l.* or 600 *l.*, 1256-1258.

Estimate of about 1,000 *l.* as the value of Mr. Barber's furniture, &c., which were dissipated before the trial at a great sacrifice, 1259-1261. 1264——Probable outlay of more than 1,000 *l.* in the mere establishment of Mr. Barber's innocence since his return, 1261-1263——Obstacles to the successful resumption of business by Mr. Barber on account of the prejudice against him, 1265-1267——Witness has never seen a combination of so much professional talent, skill, and industry as were combined in Mr. Barber, 1268, 1269.

Pecuniary Sacrifices. Evidence as to the sacrifice of witness's property; that is, of his book debts, his furniture, library, &c. by reason of his incarceration and subsequent conviction; explanation as to his furniture, &c. having realised only about 150 *l.*, and his book debts only about 70 *l.*, *Barber* 328. 405-446——Expense of about 3,000 *l.* incurred by witness in procuring his certificate and establishing his case generally since his return to England, *ib.* 329-335——The book debts were very considerable, but on his return from Norfolk Island had come under the Statute of Limitations, *ib.* 425-436——Letter from witness after his apprehension to Mr. Bircham with reference to the payment of rent, &c. and the protection of the effects of the firm, *ib.* 444, 445.

Estimate of about 1,000 *l.* as the value of Mr. Barber's furniture, &c. which were dissipated before the trial at a great sacrifice, *Peckham* 1259-1261. 1264——Probable outlay of more than 1,000 *l.* in the mere establishment of Mr. Barber's innocence since his return, *ib.* 1261-1263.

See also *Compensation. Cost of Defence. Practice.*

Practice. Witness carries on practice in Nicholas-lane, Lombard-street, *Barber* 1-3—— Was in practice for eight years before his trial in 1844; served his articles with Messrs. Scoones, at Tunbridge, with whom he continued for seventeen years, *ib.* 4, 5——Witness commenced practice in 1836, and at the time of his trial in 1844 had a large and profitable business, *ib.* 323-327——He had nine clerks constantly employed, *ib.* 324——Since November 1855 witness has been again in practice, *ib.* 333. 339——Great difficulty experienced by witness in re-establishing his practice; illustration of this, *ib.* 340-342.

Witness, who is a solicitor, was clerk to Mr. Barber, from February 1837 until the time of his apprehension, *Peckham* 1243-1246——Extensive and flourishing character of Mr. Barber's business at the period of his apprehension, *ib.* 1247-1255——The net profits of Mr. Barber and his partner were, at this time, about 2,000 *l.* a year, *ib.* 1252-1255——

Report, 1858—*continued.*

Practice—continued.

1255——Obstacles to the successful resumption of business by Mr. Barber on account of the prejudice against him, *Peckham* 1265-1267——Witness has never seen a combination of so much professional talent, skill, and industry as were combined in Mr. Barber, *ib.* 1268, 1269.

Price, Mr. See *Norfolk Island*, 9.

Prison Treatment. Very severe prison treatment of witness after his conviction, and previously to his departure for Norfolk Island, *Barber* 114-116.

Public Sympathy. Warm sympathy felt for witness on his conviction and previously to his free pardon by several of the first people in the country, *Barber* 283-290.

R.

Return Route. Circuitous route from Sydney by which witness arrived at Paris, *Barber* 248, 249.

Rogers, The Rev. Thomas George. (Analysis of his Evidence.)—Was chaplain and magistrate at Norfolk Island from August 1845 until March 1847, 943-945——Had frequent communications with Fletcher and Barber, which convinced him that the latter was wrongly convicted, 946-953——Light duties assigned to Fletcher as medical dispenser in the island, 954——Exceedingly disgusting nature of the employment as wardsman at Longridge Station assigned to Barber: the work was moreover very laborious and unhealthy, 954-960. 1071-1074. 1083.

Numerous instances of convicts having been employed as clerks or servants, &c., whilst all applications to Major Childs for the employment of Barber in any light occupation were invariably and systematically refused, 961-981——Statement showing that Dr. Graham remonstrated with Major Childs, both verbally and in writing, with reference to the injurious effect of the wardship upon Barber's health, 982-996——Strong remonstrance by witness on the score of Barber's ill health; he was subsequently removed to the Cascades Station, 997-1001.

It was evident that Major Childs had a personal antipathy to Mr. Barber; it was one of those predetermined prejudices which cannot be accounted for, 1002-1004. 1097-1099. 1144. The special ill-treatment of Mr. Barber was a matter of public notoriety, 1005-1007.

Explanation relative to the seizure at witness's house of some papers which related to Barber's case, but which were not prepared by Barber on the island; insulting way in which the seizure was carried out, 1008. 1037-1043. 1059-1066——Reference to the seizure of a letter from Barber to another convict to whom it was being conveyed by a third convict; inaccuracy of Major Childs as to the contents of this letter, 1009-1019——Interdiction of writing materials exceptionally as regarded Barber: no reason was assigned, save that Barber was always getting up documents in order to establish his innocence, 1020-1028. 1106-1111. 1154-1161.

Cruelty in the removal of Barber to Longridge Station, where he had to associate with some desperate characters, friends of some murderers against whom he had given evidence, 1029——A protest against Barber's removal to Longridge was disregarded by Major Childs, although he fully protected another convict who was also a witness on the trial of the murderers, 1029-1031. 1181-1183——Inaccuracy of Major-general Childs' statement that witness's commission as a magistrate was withdrawn; circumstances under which it was voluntarily resigned, 1032-1036.

Witness formally communicated with the Governor of Van Diemen's Land relative to the seizure of papers at his house, but subsequently withdrew his charge against Major Childs, 1044-1049——Statement of the circumstances in connexion with the forwarding from the island, independently of Major Childs, of a certain memorial in favour of Barber, with reference to the transmission of which Major Childs received a rebuke from the Governor of Van Diemen's Land, 1050-1058. 1084-1096.

Explanation as to witness having encouraged the visits of Barber to his house, but not in a manner contrary to the regulations, 1067-1070, 1162-1168——Breach of regulations in the employment of several convicts as clerks, &c. before they had been a certain time on the island, although no such breach would be allowed in Barber's case, 1075-1082. 1175-1180——Examination to the effect that there were no special regulations which rendered Barber's letter to another convict irregular or punishable, 1100-1105. 1112-1143. 1169-1174——Mention of some professional men, as convicts, who were treated very differently from Barber, 1145-1153.

Report, 1858—*continued.*

S.

Sanders, William. The chief agents in all the frauds, a man named Sanders, pleaded guilty to one of the charges, and was sentenced to seven years' transportation, *Barber* 79 ——Particulars as to the confessions of William Sanders, as made on several occasions, to the effect that witness was altogether innocent to the charges imputed to him, *ib.* 254. 291–295——Original documents by Sanders in explanation of the frauds; explanation thereon, *ib.* 304–318.

Sentence. On the fourth indictment, on Slack's case, witness and Fletcher were sentenced to transportation for life, *Barber* 79.

Separate Trial. Application was made by witness for a separate trial, but was refused, *Barber* 40–49.

"Slack" Fraud. Details as to the nature of Slack's case (as involved in the fourth indictment), and as to the deceit practised by Fletcher in regard to the forged will upon which the conviction was based, *Barber* 77——Explanation relative to and production of two original documents by William Sanders, giving full particulars as to fraud perpetrated in the "Slack" case, and showing that witness was no party thereto, *ib.* 304–318——Way in which the "Slack" fraud was discovered, *ib.* 354–359. 387——As regards there being two unclaimed sums in the Bank standing in the name of Anne Slack, witness understood from Fletcher that these were different parties, *ib.* 373–387——Explanation as to witness having concluded that Miss Slack, sister-in-law of Captain Foskett, was not the owner of the sum fraudulently obtained by Fletcher, *ib.* 397, 398——Witness first saw Miss Slack at the Mansion House, *ib.* 398. 403.

See also *Bank of England.*

Smith, John William, C. B., Commissary-general. (Analysis of his Evidence.)—Was Assistant Commissary-general at Norfolk Island when Barber arrived there, in 1844; left a few months after his arrival, 1184, 1230–1233——A representation was made jointly by witness and the Rev. Mr. Naylor as to the innocence of Barber, 1185, 1186. 1209. 1216——Witness applied twice to Major Childs for certain employment for Barber, but was refused on each occasion, 1187–1193.

The reason assigned by Major Childs for not making any exception in Barber's favour was the fear of being censured for relaxation of discipline, 1191. 1202–1206——Major Childs treated Barber strictly according to the regulations of the settlement, though he frequently made exceptions in favour of other convicts, 1194–1198——Instance of a convict who had filled a respectable position having been employed as wardsman in the same way as Barber, 1199–1201——Belief that Major Childs had not any personal dislike towards Barber, and that his strict treatment of him really arose from timidity or the fear of censure, 1203–1206——As regards the comparatively mild treatment of Fletcher, he was sixty years of age and was constantly in ill health, 1207, 1208.

Statement of Fletcher when on a sick bed, which convinced witness of the innocence of Barber, 1209–1214——Mode of transmission to the Home Secretary of the written representation or certificate by witness and Mr. Naylor, 1214–1216——Witness never heard that Major Childs was censured by the Governor of Van Diemen's Land on account of some representation or memorial concerning Barber having left the island through a private channel, 1217–1226. 1234, 1235——The trial and conviction of Barber were matters of notoriety in the island, and his coming thither was anticipated, 1236–1239.

Sufferings of Mr. Barber. See *Norfolk Island. Prison Treatment. Voyage to Norfolk Island.*

Sydney. Favourable feeling displayed towards witness by the legal profession in Sydney, *Barber* 247, 248.

T.

Trial. The trial of witness, Fletcher, &c., took place early in April 1844, *Barber* 23. 51——The first indictment occupied four days in trial, and resulted in witness's acquittal, *ib.* 51–55——The fourth indictment, which was next tried, occupied six days, and resulted in witness's conviction, and in that of Fletcher and Mrs. Dorey, *ib.* 56–60. 78——Explanation as to the second and third indictments having been abandoned by the Crown, whereas witness's counsel pressed for their trial, as throwing a light on the case on which he was convicted, *ib.* 60–76——Reason why no witnesses, except as to character, were called on witness's behalf, *ib.* 402, 404.

See also *Bills of Indictment. Bircham, Mr. Jury. Sentence. Separate Trial. "Slack" Fraud.*

Report, 1858—*continued.*

U.

Unclaimed Stock. Loss to the State if the Fletcher frauds had not been discovered, *Barber* 347-350——Practice of the Bank in advertising claims to stock upon which the dividends have not been paid, *ib.* 351, 352.

V.

Voyage to Norfolk Island. Sufferings of witness during the voyage to Norfolk Island, which lasted four months: he was not, however, unfairly treated, *Barber* 116-126——Witness was useful during the voyage in preventing a mutiny from taking place, *ib.* 132, 133.

Witness does not recollect any special mention of Barber as having conducted himself very well during the voyage, *Childs* 861-863.

W.

Wardship (*Norfolk Island*). See *Norfolk Island*, 2.

REPORT

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PETITION OF

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TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

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